THE REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR THE

CIVIL GOVERNMENT

OF

THE WHOLE OF THE TERRITORIES UNDER THE PRESIDENCY

OF

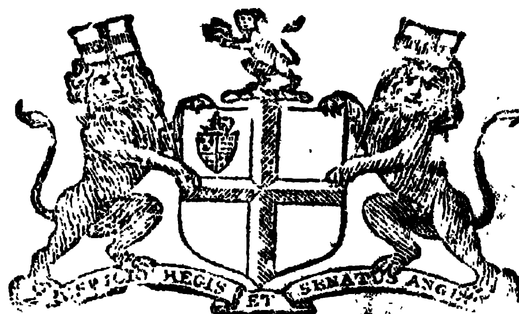
FORT WILLIAM IN BENGAL.

VOLUME II.

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WITH NUMEROUS EXPLANATORY NOTES.

BY HENRY WHITE.



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TITLES OF THE REGULATIONS.

PASSED IN THE YEAR

1794.

REGULATION.

I.

A REGULATION *for extending the penalties prescribed by Regulation LI,* 1793, *for the illicit manufacture or vend of intoxicating liquors or drugs, to all other intoxicating articles, for the making or vending of which a license is required to be taken out ; and for giving to informers one moiety of the amount of the penalties which may be levied from persons convicted of making or selling any such articles without a license ; and prescribing rules for the speedy apprehension and trial of persons charged with such offences. Passed on the 24th January,* 1794.

II.

A REGULATION *for postponing the operation of section LXI, Regulation VIII,* 1793, *in the zillah of Boglepore, to the end of Kautic* 1201 *Bengal era. Passed on the 14th March,* 1794.

III.

A REGULATION *for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue ; and for prescribing the process by which tehseeldars are to demand payment of arrears ; and for enabling the collectors to recover from native officers employed under them, public money or papers which they may embezzle or retain ; and for expediting the trial of causes relating to the public revenue or the rents of individuals. Passed on the 14th March,* 1794.

IV.

A REGULATION *for exempting the part of the zillah of Ramgur included in the soubah of Behar, from the operation of the rules in Regulation VIII,* 1793, *regarding the appointment of putwarries, and the delivery of pottahs to the ryots ; and for postponing the operation of section LXI, Regulation VIII,* 1793, *in the zillah of Rajeshahy, Purneah, and the zemindarry of Nuddea ; and for providing for cases in which ryots may omit or refuse to take out the prescibed pottahs when tendered to them ; and for determining any disputes that may arise between the proprietors and farmers of land regarding the rates of pottahs that are to be granted pursuant to Regulation VIII,* 1793, *or the rates at which pottahs expiring or becoming cancelled under Regulation XLIV,* 1793, *are to be renewed. Passed on the 27th March,* 1794.

V.

REGULATION.

V.

A REGULATION *for restricting the Sudder Dewanny Adawlut, and the provincial courts of appeal, from admitting appeals from decisions passed by any of the courts of dewanny adawlut, heretofore denominated courts of mofussil dewanny adawlut, between the 6th April 1781, and the 1st May 1793, that were declared to be final by the Regulations for the administration of justice which existed during that period. Passed on the 30th May, 1794.*

VI.

A REGULATION *for postponing to the 10th April 1795, the operation of such parts of sections XVIII, XIX, XX, and XXIII, Regulation XXXV, 1793, as regard the silver coin. Passed on the 30th May, 1794.*

VII.

A REGULATION *for enabling one judge of circuit, to hold the courts for the half yearly and monthly jail deliveries; and for empowering one of the judges of the provincial courts of appeal in each division, to remain at the sudder station to transact certain parts of the business of the court, whilst the other judges are making the circuits; and for providing against the absence or indisposition of the judges or their law officers, and against vacancies in the judicial and law appointments. Passed on the 17th October, 1794.*

VIII.

A REGULATION *for extending and defining the powers given by section VI, Regulation XIII, 1793, to the registers of the zillah and city courts, to try and decide causes referred to them by the judges of their respective courts, and for empowering the zillah and city courts in certain cases, to refer rent and revenue accounts to the collectors for report. Passed on the 14th November, 1794.*

TITLES OF THE REGULATIONS.

PASSED IN THE YEAR

1795.

REGULATION.

I.

A REGULATION *for fixing in perpetuity the revenue assessed on the lands in the province of Benares; for the more general restoration of the ancient zemindars; and for extending to the province of Benares the rules prescribed in Regulation XLI, 1793. Passed on the 27th March, 1795.*

II.

A REGULATION *for re-enacting with modifications and amendments, the rules regarding the temporary and permanent settlements of the revenue, in the province of Benares. Passed on the 27th March, 1795.*

III.

REGULATION.

III.

A REGULATION *for re-enacting with modifications and amendments, the rules for the collection of the customs in the province of Benares. Passed on the 27th March,* 1795.

IV.

A REGULATION *for prohibiting the collection of internal duties, in the province of Benares. Passed on the 27th March,* 1795.

V.

A REGULATION *prescribing rules for the conduct of the collector of the public revenue, in the province of Benares. Passed on the 27th March,* 1795.

VI.

A REGULATION *prescribing the process by which the collector, and the tehseeldars, are to realize the public revenue payable from the lands in the province of Benares. Passed on the 27th March,* 1795.

VII.

A REGULATION *for establishing a court of dewanny adawlut, or court of judicature for trying civil suits in the first instance, at the city of Benares, and at Mirzapore, Ghazeepore, and Juanpore, in the province of Benares, and for defining the jurisdiction and powers of those courts. Passed on the 27th March,* 1795.

VIII.

A REGULATION *for extending to the province of Benares, with alterations and modifications, Regulation IV,* 1793, *entitled, a Regulation for receiving, trying, and deciding, suits or complaints declared cognizable in the courts of dewanny adawlut, established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad; and for exempting the rajah of Benares, and the baboos of his family, and certain bankers, when defendants, from giving the security required from other defendants. Passed on the 27th March,* 1795.

IX.

A REGULATION *for establishing a provincial court of appeal in the province of Benares, for hearing appeals from decisions passed in the city court, and the zillah courts in that province, and defining its powers and duties, and prescribing rules for receiving and deciding upon appeals, and other causes of which it is declared to have cognizance. Passed on the 27th March,* 1795.

X.

A REGULATION *for empowering the Sudder Dewanny Adawlut, to receive and decide upon appeals from decisions of the provincial court of appeal established in the province of Benares; and for defining the jurisdiction, powers, and authorities, of the Sudder Dewanny Adawlut in that province. Passed on the 27th March,* 1795.

XI.

A REGULATION *for extending with modifications, to the province of Benares, Regulation XII,* 1793, *entitled, a Regulation for the appointment of the Hindoo and Mahomedan law officers of the civil and criminal courts of judicature, and for appointing a pundit or pundits, to the provincial court of circuit for the division of Benares, to expound the Hindoo law in certain cases cognizable by that court. Passed on the 27th March,* 1795.

XII.

REGULATION.

XII.

REGULATION *for extending to the province of Benares, Regulation XIII, 1793, entitled, a Regulation for the appointment of the ministerial officers of the civil and criminal courts of judicature, and prescribing their respective duties. Passed on the 27th March,* 1795.

XIII.

REGULATION *for extending to the province of Benares, Regulation VII, 1793, entitled, a Regulation for the appointment of vakeels or native pleaders, in the courts of civil judicature in the provinces of Bengal, Behar, and Orissa, with an alteration, exempting the rajah of Benares, and the baboos of his family, and certain bankers, when plaintiffs or defendants, from giving the security for the payment of the fees of the vakeels required from other plaintiffs and defendants. Passed on the 27th March,* 1795.

XIV.

REGULATION *for extending to the province of Benares, Regulation XLIX, 1793, entitled a Regulation for preventing affrays respecting disputed boundaries, and for applying the rules in that Regulation, to disputes regarding tanks, or reservoirs, wells and water courses, in the province of Benares. Passed on the 27th March,* 1795.

XV.

A REGULATION *for extending to the province of Benares, Regulation XVI, 1793, entitled a Regulation for referring suits to arbitration, and submitting certain cases to the decision of the nazim, with the exception of section X; and for referring certain cases to the decision of the rajah of Benares. Passed on the 27th March,* 1795.

XVI.

A REGULATION *for the apprehension and trial of persons charged with crimes or misdemeanors in the province of Benares; for enabling one of the judges, in his capacity of judge of the provincial court of appeal, to transact certain parts of the business of that court, whilst the other two judges, as judges of circuit, are making the circuits; and for providing against the absence or indisposition of any of the judges, or their law officers, and against vacancies in the judicial or law appointments. Passed on the 27th March,* 1795.

XVII.

A REGULATION *for the establishment of an efficient police in the province of Benares. Passed on the 27th March,* 1795.

XVIII.

A REGULATION *for extending to the province of Benares, Regulation XVIII, 1793, entitled a Regulation for preserving complete, the records of the civil and criminal courts of judicature, and requiring the zillah and city courts, to transmit monthly reports of the suits decided by them, to the provincial courts of appeal, and directing the provincial courts of appeal, to submit monthly reports of the appeals and causes decided by them, to the Sudder Dewanny Adawlut, Passed on the 27th March,* 1795.

XIX.

A REGULATION *for forming a quinquennial register of the landed estates in Benares, subject to the payment of revenue to Government, and of the amount of the fixed annual revenue payable to Government, from each estate. Passed on the 27th March,* 1795.

XX.

A REGULATION *for disposing of malguzarry and lakheraje lands, at public sale, pursuant to decrees of the courts of justice. Passed on the 27th March,* 1795.

XXI.

REGULATION.

XXI.

A REGULATION *for preventing bruhmins in the province of Benares establishing koorhs, wounding or killing their female relations, or children, or sitting dhurnah; and for preventing the tribe of Raujekoomars in that province killing their female children.* *Passed on the 27th March, 1795.*

XXII.

A REGULATION *for preserving the record of the principal rules regarding the administration of justice, and the police, in the province of Benares, passed between the year 1781, and the period of the abolition of the office of resident in 1795; and for determining what part of those rules are to be considered still in force; and for transferring the causes depending in the courts of judicature abolished on this date, to the courts established in lieu of them.* *Passed on the 27th March, 1795.*

XXIII.

A REGULATION *for extending to the province of Benares, Regulation XLVI, 1793, entitled, A Regulation for admitting persons of certain descriptions, to sue in the courts of civil judicature as paupers.* *Passed on the 27th March, 1795.*

XXIV.

A REGULATION *for extending to the province of Benares, Regulation XXVIII, 1793, entitled, A Regulation for prohibiting british subjects, (excepting King's officers serving under the presidency of Fort William, and civil covenanted servants of the Company, and their military officers,) residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the courts of dewanny adawlut. in civil suits which may be instituted against them, by any of the descriptions of persons mentioned in section VII, Regulation III, 1793, and for enabling british subjects to recover any demands, recoverable under the Regulations, which they may have upon such persons.* *Passed on the 27th March, 1795.*

XXV.

A REGULATION *for extending to the province of Benares, Regulation XLVII, 1793, entitled, A Regulation for providing for differences of opinion between the judges of the provincial courts of appeal, and courts of circuit, and prescribing rules regarding other matters connected with their official situations.* *Passed on the 27th March, 1795.*

XXVI.

A REGULATION *for extending to the province of Benares, with alterations, Regulation XXV, 1793 entitled, A Regulation for the division of estates paying revenue to government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate.* *Passed on the 27th March, 1795.*

XXVII.

A REGULATION *declaratory of certain reservations made by government, and of rights preserved to the proprietors of landed estates, under the permanent settlement of the land revenue made in the province of Benares; for allowing of the transfer or division of entire estates, or portions of estates, and prescribing rules for apportioning the fixed jumma on the several shares of estates which may be divided, or portions of estates which may be transferred; and for continuing the putwarries in the discharge of their ancient functions.* *Passed on the 27th March, 1795.*

XXVIII.

REGULATION.

XXVIII.

A REGULATION *for extending to the province of Benares, Regulation XXXVI, 1793, entitled, A Regulation for establishing a registry for wills and deeds, for the transfer or mortgage of real property. Passed on the 27th March,* 1795.

XXIX.

A REGULATION *for extending to the province of Benares, Regulation XX,* 1793, *entitled, A Regulation for empowering the zillah and city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose regulations regarding matters coming within their cognizance. Passed on the 27th March,* 1795.

XXX.

A REGULATION *for extending to the province of Benares, Regulation XXI,* 1793, *entitled, A Regulation for establishing in each zillah, an office for keeping the records in the native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records. Passed on the 27th March,* 1795.

XXXI.

A REGULATION *for extending to the province of Benares, with modifications, Regulation XL,* 1793, *entitled, A Regulation for granting commissions to natives, to hear and decide civil suits for sums of money, or personal property of a value, not exceeding fifty sicca rupees, and prescribing rules for the trial of the suits, and enforcing the decisions which may be passed upon them. Passed on the 27th March,* 1795.

XXXII.

A REGULATION *for enacting into a Regulation, the terms of the contract concluded for the provision of opium on account of government in the province of Benares, from the 1st September* 1793, *to the 31st August* 1797, *and for preventing illicit trade in that article. Passed on the 27th March,* 1795.

XXXIII.

A REGULATION *for enacting into a Regulation, the rules passed relative to the cultivation and manufacture of indigo, on behalf of, or by, natural born british subjects, and other europeans, having the permission of government to reside in the province of Benares. Passed on the 27th March,* 1795.

XXXIV.

A REGULATION *for re-enacting with modifications, the rules respecting the pensions payable from the government and moolky treasuries in the province of Benares. Passed on the 27th March,* 1795.

XXXV.

A REGULATION *for better enabling individuals to recover arrears of rent or revenue due to them. Passed on the 27th March,* 1795.

XXXVI.

A REGULATION *for repealing section VII, Regulation VIII,* 1794, *and empowering the judges of the zillah and city courts to hear appeals from decisions which may be passed by their registers under that regulation, and rendering final the decisions of the judges*

judges in all such appeals where the suit may be for money or personal property; for making final the decrees of the judges of the zillah and city courts, in appeals from decisions passed by the native commissioners appointed under Regulation XL, 1793; for rendering serberakars or managers of joint undivided estates, eligible to the office of commissioner for hearing and deciding suits under Regulation XL, 1793; for providing against the loss or miscarriage of the proceedings in trials referred by the judges of circuit to the Nizamut Adawlut, or the sentences or orders of that court on such trials; and for establishing another court of dewanny adawlut in the districts now comprised in the zillah of Burdwan. Passed on the 27th March, 1795.

XXXVII.

A REGULATION *for better enabling the Sudder Dewanny Adawlut to judge of the progress made by the zillah and city courts, and the provincial courts of appeal, in determining the suits now depending before them, and also of the expedition with which suits hereafter filed may be decided. Passed on the 27th March, 1795.*

XXXVIII.

A REGULATION *for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil judicature, and on petitions presented to those courts, and on the institution of suits before the moonsifs under clause sixth, section V, Regulation XL, 1793; and for the appropriation of the fees so collected. Passed on the 10th April, 1795.*

XXXIX.

A REGULATION *for abolishing the Calcutta customs, or town duties, collected under the several sections of Regulation XLII, 1793, from section XXI, to the conclusion of the said regulation; and for reviving with alterations, the government customs formerly levied at the port of Calcutta, and discontinued on the 20th June 1788; and prescribing to what courts individuals considering themselves aggrieved under the regulations respecting the government customs in the provinces of Bengal, Behar, or Orissa, by the act of any collector of the said customs, or his officers, or by any act or order of the Board of Trade, or the Governor General in Council, are to apply in the first instance for redress. Passed on the 22d May, 1795.*

XL.

A REGULATION *for modifying such parts of section III, and clause third, section VIII, and section IX, Regulation XXX, 1793; as relate to the rewards payable on information being given of the illicit manufacture, transportation, or importation of salt; and for increasing the rewards, and authorizing the servants of government to benefit by them; and for modifying and altering the rules and restrictions contained in section IV, Regulation XXX, 1793; and sections XXXIV and XXXV, Regulation XLII, 1793, in respect to the importation of Muscat salt. Passed on the 1st June, 1795.*

XLI.

A REGULATION *prescribing rules for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of revenue to government in the province of Benares, under grants not being of the description of those termed badshahee or royal, nor made by the supreme power for the time being; and for determining the amount of the annual assessment to be imposed on lands so held, which may be adjudged or become liable to the payment of public revenue. Passed on the 31st July, 1795.*

XLII.

REGULATION.

XLII.

A **REGULATION** *for enacting with modifications, the rules for trying the validity of the titles of persons holding, or claiming a right to hold, altumgah, jaghire, and other lands, in the province of Benares, exempt from the payment of public revenue, under grants termed badshahee or royal, or made by the supreme power for the time being; and for determining when certain grants of that description, shall be considered to have expired; and for fixing the amount of the public revenue to be assessed upon the lands, the grants for which may expire, or be adjudged invalid. Passed on the 31st July* 1795.

XLIII.

A **REGULATION** *for enacting into a regulation, the rules passed on the 18th February*, 1789, *and 24th December* 1790, *for granting lands to discharged native invalid officers, and private soldiers, in the province of Benares. Passed on the 28th August* 1795.

XLIV.

A **REGULATION** *for removing certain restrictions to the operation of the hindoo and mahomedan laws, with regard to the inheritance of landed property subject to the payment of revenue to government, in the province of Benares. Passed on the 28th August* 1795.

XLV.

A **REGULATION** *for empowering talookdars, zemindars, and all other descriptions of landholders and farmers of land, in the province of Benares, to distrain and sell the personal property of under farmers, ryots, and dependent zemindars, and putteedars, and, (in certain specified cases,) their sureties, for arrears of rent or revenue; and for preventing landholders and farmers of land in the said province, confining or inflicting corporal punishment on their under farmers, ryots, and dependent zemindars, and putteedars, or their sureties, to enforce payment of such arrears. Passed on the 28th August*, 1795.

XLVI.

A **REGULATION** *for extending to the province of Benares, Regulation XXXIII*, 1793, *entitled, A Regulation for re-enacting with modifications, the rules passed on the 11th February and 21st October* 1791, *for repairing the embankments kept in repair at the public expense; and for encouraging the digging of tanks or reservoirs, and water-courses, and making embankments. Passed on the 28th August*, 1795.

XLVII.

A **REGULATION** *for levying a tax on intoxicating liquors and drugs, and for preventing the illicit manufacture or vend of them, in the province of Benares. Passed on the 28th August*, 1795.

XLVIII.

A **REGULATION** *for prohibiting covenanted civil servants of the Company employed in the administration of justice, or the collection of the public revenue, in the province of Benares, from lending money to talookdars, zemindars, putteedars, or other actual proprietors of land, or to farmers of land holding farms immediately of government, or the under farmers, or ryots, of the several descriptions of proprietors and farmers of land abovementioned, or their respective sureties; and for prohibiting in the said province, europeans of any description, holding possession of lands that may be mortgaged to them, or purchasing or renting lands for erecting houses, or buildings for carrying*

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on manufactures, or other purposes, without the sanction of the Governor General in Council. **Passed on the 28th August, 1795.**

XLIX.

A REGULATION *for appointing the head cauzy of the province of* **Bengal**, *Behar, and Orissa, head cauzy of the province of Benares, and for extending to that province, the rules contained in Regulation XXXIX,* 1793, *regarding the cauzies stationed in the cities, towns, and other places, in the three first mentioned provinces.* **Passed on the 28th August, 1795.**

L.

A REGULATION *for prohibiting talookdars, zemindars, or other proprietors of land paying revenue in the province of Benares, from fixing the jumma of dependent tenants, (whether zemindars or putteedars,) or granting leases or pottahs for a term exceeding ten years; and, in cases of lands being disposed of at public sale for the discharge of arrears of the public revenue, for rendering null and void all engagements, (with certain exceptions,) subsisting between the defaulting proprietor, and his dependent zemindars, putteedars, under farmers, and ryots, for the payment of rent or revenue on account of the lands so sold.* **Passed on the 28th August, 1795.**

LI.

A REGULATION *respecting ryotty pottahs in the province of Benares.* **Passed on the 28th August, 1795.**

LII.

A REGULATION *for licensing the importation of salt into the port of Calcutta, on ships built, and fitted out within the provinces of Bengal, or Behar, or that part of Orissa which is under the dominion of the Company, and being the property of british subjects, or of natives residing within the said provinces, and subject to the Company's government.* **Passed on the 28th August, 1795.**

LIII.

A REGULATION *for putting a stop to the illicit trade in opium carried on in the province of Bengal, by means of the cloths and earthen vessels, termed cuppah and dogah; and for preventing the poppy being cultivated in the said province without the knowledge of the contractor.* **Passed on the 28th August, 1795.**

LIV.

A REGULATION *for extending to the province of Benares, the rules contained in certain sections of Regulations VIII,* 1794, *and XXXVI,* 1795, *with modifications.* **Passed on the 1st September, 1795.**

LV.

A REGULATION *for prohibiting the courts of civil judicature from requiring security from guardians of disqualified landholders when parties in suits with their wards, under section XXXII, Regulation X,* 1793. **Passed on the 1st September, 179[illegible]**

LVI.

A REGULATION *for allowing the heirs of invalids in the provinces of Bengal, Behar, and Orissa, to hold their land rent-free to the expiration of the tenth year from the date of the original grantee's being put in possession, in case of his dying within ten years from such date; and for providing for the absence of invalids from their tannahs*

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in the said provinces at the time of inspection, in consequence of permission, or from sickness, or other unavoidable cause. *Passed on the* 1st *September*, 1795.

LVII.

A REGULATION *for enacting into a regulation, certain orders issued by the Governor General in Council, for the abolition of the collection heretofore made on grain imported into Calcutta, under the denomination of kyaulee dustoor, and for the appropriation of the proceeds of confiscated goods and merchandise at the Manjee custom house; and for levying the Calcutta export duties on the Calcutta price of the goods, instead of the aurung price or prime cost, as prescribed by section XVII, Regulation XXXIX,* 1795. *Passed on the* 28*th September*, 1795.

LVIII.

A REGULATION *for granting to the collectors a commission on the jumma of lands which may be subjected to the payment of revenue under section XXVI, Regulation XIX, and section XXI, Regulation XXXVII,* 1793, *and section XXVI, Regulation XLI, and section XXI, Regulation XLII,* 1795; *and for determining on what amount such commission, and the commission granted to collectors in cases of lands being adjudged liable to the payment of revenue in consequence of prosecutions, shall be calculated; and for requiring the zillah and city courts in the four provinces, to transmit to the collectors and the Board of Revenue, copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of revenue; and for defining of what decrees regarding malguzarry land, the zillah and city courts are to furnish the collectors and the Board of Revenue with copies under section IX, Regulation IV,* 1793, *and section IV, Regulation VIII,* 1795. *Passed on the* 28*th September*, 1795.

LIX.

A REGULATION *for further postponing to the* 10*th April* 1796, *the operation of such parts of sections XVIII, XIX, XX, and XXIII, Regulation XXXV,* 1793, *as regard the silver coin.* *Passed on the* 29*th, September*, 1795.

LX.

A REGULATION *for extending to the province of Benares, Regulation XXXVIII,* 1795, *entitled, A Regulation for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil judicature; and on petitions presented to those courts; and on the institution of suits before the moonsifs under clause sixth, section V, Regulation XL,* 1793. *Passed on the* 13*th November*, 1795.

LXI.

A REGULATION *for determining what sicca rupees of the nineteenth sun shall be considered as of standard weight in payments in the provinces of Bengal, Behar, and Orissa.* *Passed on the* 13*th November*, 1795.

LXII.

A REGULATION *for withdrawing the mint established at Moorshedabad under Regulation XXXV,* 1793. *Passed on the* 11*th December*, 1795.

A. D. 1794. REGULATION I. (a)

A REGULATION *for extending the penalties prescribed by Regulation LI, 1793, for the illicit manufacture or vend of intoxicating liquors or drugs, to all other intoxicating articles, for the making or vending of which a license is required to be taken out; and for giving to informers one moiety of the amount of the penalties which may be levied from persons convicted of making or selling any such articles without a license; and prescribing rules for the speedy apprehension and trial of persons charged with such offences.*—PASSED *by the Governor General in Council, on the 24th January 1794, corresponding with the 14th Maug 1200 Bengal era; the 8th Maug 1201 Fussily; the 14th Maug 1201 Willaity; the 8th Maug 1850 Sumbut; and the 22d Jemaud us Sanee 1208 Higeree.*

THE security of the public revenue rendering it necessary, that persons convicted of manufacturing or vending without a license, intoxicating articles of any kind, for the making or sale of which a license is required to be taken out from the collectors, should be subjected to certain penalties; that informers against such persons should be allowed an adequate reward; and that the revenue officers should have the power of apprehending and bringing them to a speedy trial; the following rules have been enacted.

Fine for making or vending intoxicating articles without a license.

II. Any person who may be convicted before the judge of the dewanny adawlut of any zillah or city, of manufacturing or selling any intoxicating liquor, drug, or article, for the making or vending of which a license is required to be taken out from the collector of the revenue, without having previously obtained such license, shall be fined in a sum equal to three times the amount of the daily assessment at the nearest authorized place of vend on the still with which the liquor may be made, if it be made with a still, or, if it be liquor not made with a still, or a drug, or other article, on the liquor, drug, or article, for the period for which the illicit manufacture or vend of it may be proved to have been carried on.

Informers to receive one moiety of the penalty levied from offenders convicted upon their information.

III. If any person against whom information may be lodged for making or vending without a proper license, intoxicating liquors, drugs, or articles, for the manufacture or sale of which a license is required to be previously taken out, shall be convicted of the offence to the satisfaction of the court of dewanny adawlut, the informer shall be entitled to one-half of the penalty which may be levied from the offender.

Informer liable to pay costs and damages for groundless and malicious information.

On the contrary, if the information shall appear to the judge groundless and malicious, he shall compel the informer to pay all charges that may have been incurred by the person informed against, with such damages as the court may think it proper to award against him upon a consideration of the circumstances of the case.

Process by which collectors may apprehend persons charged with the offences specified in section II.

IV. To expedite the apprehension and punishment of persons guilty of the offences specified in section II, the collector upon receiving information of any person having made or sold intoxicating liquors, drugs, or other articles, for the manufacturing or vending of which a license is required to be taken out, is empowered to depute a peon, or two peons if he shall deem one insufficient, to apprehend such person. Each peon shall receive two annas per day as subsistence money, for the number of days which the collector, upon a consideration of the distance, may judge necessary for the apprehension of the offender, and bringing him before the judge of the zillah, and the collector shall endorse the number of days which he may so allow upon the writing. If the offender shall be convicted, he is to be charged with the subsistence money of the peon or peons, in addition to the penalty which may be imposed upon him;

(a) The whole of this Regulation is rescinded by R. 10, of 1813, S. 2.

each month to be paid into the treasury of the collector of the zillah, or to the tehseeldar, or other officer who may be appointed to receive the public revenue assessed on his estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the collector, or the tehseeldar, or other officer.

Proprietors of land not to be liable to be confined for arrears.

Exception to the rule.

Arrears how to be recovered.

III. Proprietors of land shall not be liable to be confined for arrears of public revenue, or for any demand, of the nature of those specified in section XL, Regulation XIV, 1793, excepting in the cases mentioned in section XIV. Arrears due from proprietors of land, are to be recovered in the manner hereafter prescribed.

How arrears are to be demanded.

Penalty for not discharging them.

IV. If the whole, or the portion of the instalment, due from a proprietor of land on account of any one month, shall remain undischarged on the fifteenth of the following month, the collector is to require payment of the arrear in the manner prescribed in section III, Regulation XIV, 1793, and to apprize him by a notice inserted in the written demand, that in the event of his not discharging it by the limited time, he will be subjected, as a penalty, to the payment of an interest of twelve per cent per annum, on the amount of the arrear under section VII, Regulation XIV, 1793. (c)

Collector how to proceed in the event of the proprietor not discharging the demand.

Board of Revenue to order the lands of the defaulter to be sold without waiting for the previous sanction of the Governor General in Council.

But to obtain his sanction after the advertisement has been published, and not to proceed to the sale without it.

V. If a proprietor of land, after having been served with a written demand for an arrear as prescribed in section IV, shall not discharge the amount of it by the limited time, the collector is to submit to the Board of Revenue a statement of such of his lands as he may think it advisable to have sold to make good the amount. The Board of Revenue are to cause the lands specified in the statement, or any other lands belonging to the defaulter which they may deem it preferable to dispose of, to be put up to sale agreeably to the rules prescribed for disposing of lands for arrears of revenue, with this alteration, that instead of deferring the publication of the advertisement for the sale of the lands until they have obtained the sanction of the Governor General in Council to the sale, they are of their own authority to direct the advertisement prescribed in section XXVI, Regulation XIV, 1793, to be published. They are, however, immediately after, to report the amount of the arrear, the lands ordered to be sold, the jumma at which they are to be disposed of, and the place of sale, to the Governor General in Council, so as to obtain his sanction to the sale previous to its being made, without which sanction, it is not to take place. The collectors are accordingly enjoined never to proceed to the sale of any lands, until they have received notice through the Board of Revenue that the Governor General in Council has sanctioned the sale.

Proprietors whose lands are ordered to be put up to sale, to pay the penalty in section IV, although they should discharge the arrear.

VI. If a proprietor whose lands may have been advertised for sale under the preceding section, shall discharge the arrears at any time previous to the day of sale, he shall nevertheless pay the penalty specified in section IV.

Lands ordered to be put up to sale to be disposed of for whatever arrears may be due from the proprietor up to the day of sale.

VII. As it may often occur, that after lands belonging to a defaulting proprietor have been put up to sale, further arrears may become due from him previous to the day of sale, and consequently that notwithstanding he may have discharged the whole of the original arrear, a considerable balance may still be outstanding against him, it is declared, that when the lands of a proprietor are put up to sale to make good an arrear, they shall be liable to be sold on the day fixed, for the discharge of all arrears that may be due from him up to the day of sale, whether they shall have accumulated prior or subsequent to the lands being advertised for sale, including the penalty prescribed in section IV.

Tuccavy, &c. are to be recovered in the same manner as arrears of revenue.

VIII. Arrears due from proprietors on account of advances made to them by Government for any of the purposes specified in section XL, Regulation XIV, 1793, are to be recovered by the same process as balances of revenue.

(c) This section, and sections 5, 6, 7, 9, and 10 following are rescinded by R. 7, of 1799, S. 22, and other rules enacted in their stead.

IX.

IX. When the lands of a proprietor are ordered to be sold for the discharge of arrears, the Board of Revenue are empowered, in cases in which they may deem it expedient so to do, to order the collector to attach the lands, and commit them to the charge of an aumeen, or a tehseeldar, or other officer, under sections VI, and XXV, Regulation XIV, 1793, for the purposes therein specified. But the collector is not to attach the lands under those sections, without receiving previous directions from the Board of Revenue to that effect.

Board of Revenue empowered to order the collector to attach lands directed to be sold, under the rules prescribed in sections VI and XXV, Regulation XIV, 1793.

X. If a proprietor of land shall resist, or cause to be resisted, the aumeen or other officer whom the collector, by the authority of the Board of Revenue, may depute to attach his lands, the collector is to proceed against him in the manner in which he is directed by Regulation XIV, 1793, to proceed against proprietors who resist the process which he may issue under section V, of that Regulation, to take their persons into custody; and all the rules contained in that Regulation respecting proprietors who may resist, or cause to be resisted, the process issued by collectors under that section, are to be considered applicable to proprietors who may resist, or cause to be resisted, the officer who may be deputed by the collector to attach their lands under section IX, of this Regulation.

Proprietors resisting the officers deputed by the collector under section IX, to be proceeded against in the same manner as when resisting the process issued against them under section V, Regulation XIV, 1793.

XI. There being ground to believe that many proprietors and farmers of land have availed themselves of the rules in sections IX, X, XI, XIV, and XXII, Regulation XIV, 1793, to withhold payment of the public dues, and the persons of proprietors of land being no longer liable to be confined for arrears excepting in the cases specified in this Regulation; sections IX, X, XI, XIV, and XXII, of Regulation XIV, 1793, are rescinded, and proprietors and farmers of land shall be bound to discharge all sums that may be demanded of them by the collector on the part of Government in the manner prescribed in section III, Regulation XIV, 1793, under pain of being proceeded against for such sums as for arrears.

[illegible] IX, X, XI, XIV, and XXII, of Regulation XIV, 1793, repealed.

XII. That proprietors and farmers of land may be enabled to recover sums that may be exacted from them by the collector on the part of Government, above what they may be bound to pay by their engagements, and that they may be indemnified from all loss they may sustain by such exactions, it is declared, that if a collector shall demand a sum of money from a proprietor or farmer of land, on account of arrears, in the manner prescribed in section III, Regulation XIV, 1793, and the proprietor or farmer shall deny, by a writing to that effect addressed to the collector, the justness of the whole or a part of the demand, but to prevent any further process being issued against him, shall discharge the whole of the demand, the proprietor or farmer shall be at liberty to sue the collector in the dewanny adawlut of the zillah for the recovery of the sum which he may consider to have been unjustly taken from him, and the court shall give judgment in favor of the complainant for all such sums as may be proved to have been unduly exacted from him, and the amount of such judgment shall be refunded to him from the public treasury of the zillah, with interest at the rate of twelve per cent per annum, from the date of the exaction, to the date of the decree. All the rules in Regulation XIV, 1793, respecting suits instituted against a collector for sums actually received by him on the part of Government from any proprietor or farmer of land, or from the surety of any farmer, are to be considered applicable to suits that may be instituted against a collector under this section. *(d)*

Proprietors and farmers of land how to recover sums exacted from them beyond their engagements.

What rules in Regulation XIV, 1793, are to be considered applicable to suits instituted against the collector under this section.

XIII. When arrears shall become due from proprietors or farmers of land, whose revenue may be made payable to a tehseeldar, or other officer appointed by Government to collect it, such officer is to demand the payment of the arrears by the same process as collectors are required to observe in requiring the discharge of arrears

How tehseeldars or other public officers are to require payment of arrears from proprietors or farmers paying revenue to them.

(d) See also the provisions of R. 17 of 1813, and R. 2 of 1814, for the conduct of inquiries into charges and complaints preferred against European public officers, and for modifying the rules before established for the trial of suits proposed to be instituted against any of the public officers, who have been declared amenable for acts connected with the discharge of their official duties to the courts of civil judicature.

arrears by section III, Regulation XIV, 1793. If the defaulter shall not liquidate the arrears by the prescribed period, the tehseeldar or other officer is to report the amount of the arrear to the collector, who is to proceed to the recovery of it by the same process as he is directed to observe in recovering arrears due from proprietors or farmers paying revenue immediately to the treasury of the zillah.

Cases in which proprietors of land are liable to be imprisoned under Regulation XIV, 1793.

XIV. If the whole of the lands of a proprietor shall be sold for the discharge of arrears of revenue, or any of the demands specified in section XL, Regulation XIV, 1793, and the proceeds of the sale shall not be sufficient to make good the arrears, or, if the lands of a defaulting proprietor shall be put up to sale, and no person shall offer to purchase them; in the first case, the person of the defaulter and any personal property which he may possess, and in the second, his person and property of every description, shall be liable for the balance to the operation of all the rules, regarding defaulting proprietors contained in Regulation XIV, 1793, excepting the rules in the several sections of that Regulation which are rescinded by section XI. Whenever a collector may confine a proprietor under this section, after all his lands have been disposed of, he is immediately to report the circumstances to the Board of Revenue, (e) who are to submit them for the information of the Governor General in Council.

Collector to inform the Board of Revenue when he may confine a proprietor after his lands have been sold.

Collectors to take security for the personal appearance of the native officers herein specified.

XV. The collectors are to take security for the personal appearance of the tehseeldars, sezawuls, aumeens, *dewans*, (f) seristadars, moonshies, mohurrers, and all native officers, intrusted with the receipt or payment of public money, or the charge of public accounts, who now are, or may be hereafter employed under them, in their capacity of collectors of the revenue. The surety is to bind himself to produce the officer for whom he may become security before the collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the collector, signifying that he has no demand upon him on the part of Government, either for money, papers, or accounts, belonging to the public, that may have been committed to him, or come into his possession in his official capacity; and further, that in the event of his not producing such officer, he will be responsible for all demands that the collector may have upon him for public money, papers or accounts, and be liable to be proceeded against in every respect in the same manner as the officer himself, had he been forthcoming. When any such officer is removed or resigns, the collector is to grant him an acquittal to the above effect, after he shall have delivered up all public papers, accounts, or money, that may have been committed to his charge. The collectors may require such officers to give new sureties, in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are not responsible. (g)

Conditions to which the surety is to be bound.

Collectors how to proceed to recover public money or accounts in the possession of native officers.

XVI. If a collector shall have a claim on the part of Government on any of the native officers described in the preceding section, for a balance of accounts, or money or papers belonging to Government, he is to require the payment of the money, or the delivery of the papers, by a writing under his official seal and signature, *and the signature of his dewan*, (h) or other head native officer of his dufter for the time being, specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the officer shall not discharge the money, or deliver up the papers by the limitted time, the collector is empowered to apprehend him, and convey him to the jail of the dewanny adawlut of the zillah, the judge of which court shall detain him in confinement until the sum demanded of him shall be discharged, or he shall have delivered up the papers.

(e) Or to the Commissioner appointed under R. 1, of 1816, for controling the collectors in the discharge of their duties in that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Tirhoot and Sarun.

(f) This office abolished by R. 15, of 1813.

(g) See the additional provisions of R. 2, of 1[illegible], for preventing native officers from making use of public money intrusted to their care.

(h) Rescinded by R. 15, of 1813.

pers. The collector is authorized likewise to attach such part of the real or personal property belonging to the officer, as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the collector of that zillah, who shall cause it to be attached. If the property shall be within the cities of Patna, Dacca, or Moorshedabad, the collector is to apply to the judge of the zillah, through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector. The Board of Revenue are empowered to order the property to be sold under the rules by which the lands of proprietors are directed to be disposed of for the discharge of arrears of revenue. In the event of the death of any such officer, the surety is to be exonerated from all responsibility, and the collector is to proceed against his heirs, by a regular suit in the court to which they may be amenable, for any claims which Government may have upon the deceased. The suit is to be carried on by the vakeel of Government, and at the public expense, and the rules in Regulation XIV, 1793, regarding suits so carried on by the collectors, are to be held applicable to it.

Collectors how to proceed where officers abscond, or are not forthcoming.

XVII. If any such native officer who may have retained public money or papers in his possession shall abscond, or not be forthcoming, the collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah; or, if he shall have taken refuge in any other zillah, or in either of the cities of Patna, Dacca or Moorshedabad, and the collector shall deem it necessary to require his personal attendance that he may proceed against him instead of his surety, the collector is to apply to the judge of the zillah to request the judge within whose jurisdiction the officer may be or reside, to cause him to be apprehended. The judge to whom the application may be made, is to convey the officer in safe custody to the jail of the zillah from which he may have absconded.

Collector how to proceed in case of the officer absconding without having adjusted his accounts, or omitting or refusing to attend for that purpose.

XVIII. If a collector shall have occasion to require any such officer to attend to adjust his accounts that the sum due from him may be ascertained, and he shall not attend upon being required by a writing to that effect under the official seal and signature of the collector to be fixed up in his cutcherry, and at the place in the zillah at which the officer may have last resided, the collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety upon his engagement, for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared, in the presence of the officer; or, he may cause the officer to be apprehended by his own authority under section XVI, if he be within the limits of the zillah, or if he shall have taken up his abode in any other zillah, or in either of the cities of Patna, Dacca, or Moorshedabad, by application to the judge in the manner directed in section XVII. If it should afterwards appear upon inquiry before the court, that no part, or a portion only, of the sum demanded was due from him, or that the papers required were not in his possession, the collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or inquiry shall be paid by the officer.

Officers or sureties confined for a demand of money, to be released in the case herein specified.

XIX. If any such officer or his surety, shall be confined on account of a claim for public money, and previous to the sale of his property, or supposing the collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole, or any part of the demand made upon him by the collector, and find some responsible person who will become security that he will institute a suit in the court in fifteen days against the collector to try the demand, and to pay the sum that may be awarded against him with costs and interest at the rate of twelve per cent from the date on which the sum may be demanded of him to the date of the decree, the court is to discharge the officer or surety, and proceed to the trial of the suit; and if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded, and the property restored to the owner.

XX.

Native officers or their sureties at liberty to sue the collector whilst in confinement.

XX. If any such native officer, or his surety, shall be committed to custody by the collector, and shall not obtain his release in the mode specified in section XIX, he shall nevertheless be at liberty whilst in confinement, to sue the collector by whom he may have been confined, should he deem the demand upon him unjust.

Collectors to appoint an authorized vakeel of the court to defend the suits herein specified.

XXI. The collectors are to appoint one of the authorized vakeels of the courts to defend any suits which may be instituted against them by any such native officers, or their heirs, or sureties, under this Regulation; and all the rules in Regulation XIV, 1793, regarding suits instituted against the collector for sums demanded or received by him on behalf of Government, and which are not repealed by this Regulation are to be considered applicable to such suits. *(i)*

Provincial, zillah, and city courts, to set apart one, or two or more days in a week, for the trial of suits respecting rent or revenue, &c.

XXII. The provincial courts of appeal, and the zillah and city courts, are to appropriate one day, or two or more days when they shall deem it necessary, in each week, for the trial of all suits between Government or the collectors, and proprietors or farmers of land, regarding demands on account of the public revenue assessed upon the lands, or advances for tuccavy, water-courses, reservoirs, or embankments, and also suits between proprietors and farmers of land, and dependent talookdars, regarding revenue, or between any of the above descriptions of persons, and their under-farmers and ryots, regarding rent, or the rates of pottahs, or advances for tuccavy, water-courses, reservoirs, or embankments. The courts are to proceed to the trial of the causes abovementioned on the days so allotted, without regard to any other descriptions of causes that may have been previously filed, which are to be tried on separate days. *(j)*

A. D. 1794. REGULATION IV.

A REGULATION *for exempting the part of the zillah of Ramgur included in the Soubah of Behar, from the operation of the rules in Regulation VIII, 1793, regarding the appointment of putwarries, and the delivery of pottahs to the ryots; and for postponing the operation of section LXI, Regulation VIII, 1793, in the zillahs of Rajeshahy, Purneah, and the zemindarry of Nuddea; and for providing for cases in which ryots may omit or refuse to take out the prescribed pottahs when tendered to them; and for determining any disputes that may arise between the proprietors and farmers of land regarding the rates of pottahs that are to be granted pursuant to Regulation VIII, 1793, or the rates at which pottahs expiring or becoming cancelled under Regulation XLIV, 1793, are to be renewed.*—PASSED *by the Governor General in Council, on the 27th March 1794; corresponding with the 16th Chyte 1200 Bengal era; the 11th Chyte 1201 Fussily; the 16th Chyte 1201 Willaity; the 11th Chyte 1851 Sumbut; and the 24th Shabaan 1208 Higeree.*

THE proprietors and farmers of land in the portion of the zillah of Ramgur included in the Soubah of Behar, having represented the impracticability of conforming to the Regulations for granting pottahs, from the body of the ryots in that part of the country being unable to read or write, and being accustomed to cultivate the lands under verbal agreements and terms entirely dissimilar to those which pre-

(i) See the note to section 19 of this Regulation.

(j) Between this section, and S. 8, R. 8, of 1816, there is an apparent inconsistency: they may, however, be reconciled by construing the latter to mean only suits or complaints of the nature described in this section, and not the generality of suits pending in the courts. The native commissioners appointed under R. 23 of 1816, are also required to hear and determine suits respecting rent or revenue before any others that may be depending. See R. 7, of 1799, S. 13.

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vail in other parts of the provinces; and having also stated the heavy expense to which they would be subjected, were they to be compelled to appoint putwarries to keep the accounts of the villages under the rules prescribed in section LXII, Regulation VIII, 1793, owing to the small number of the villages, their distance from each other, and the inconsiderable revenue, which, from the inland situation, and the mountainous and uncultivated state of the country, is collected from them; and the proprietors and farmers of land in the zillah of Purneah, and the proprietor of the zemindarry of Nuddea, having represented that a further time will be required to enable them to complete the delivery of pottahs to the ryots; and it having appeared that ryots frequently omit or refuse to take out pottahs, although the persons from whom they are entitled to demand them offer to grant them in the form and on the terms prescribed; and it being essential to the protection of the ryots, and the future prosperity of the country, that rules should be adopted for determining disputes that may arise between the ryots, and the proprietors and farmers of land, or dependent talookdars, regarding the rates of the pottahs required to be granted by Regulation VIII, 1793, or the rates at which pottahs that may expire or become cancelled under Regulation XLIV, 1793, are to be renewed; the Governor General in Council has enacted the following rules. (a)

Behar portion of the Ramgur zillah exempted from the rules regarding pottahs.

II. The rules contained in sections LIV, LVI, LVII, LVIII, LIX, LXI, Regulation VIII, 1793, are not to be considered applicable to that part of the zillah of Ramgur which is included in the Soubah of Behar.

Qualification of section LXII, Regulation VIII, 1793, regarding the districts abovementioned.

III. Clause second, section LXII, Regulation VIII, 1793, is declared not to extend to the districts alluded to in the preceding section, but the gomastahs or officers whom the proprietors or farmers of land, or the under farmers or ryots in those districts, may entertain for keeping such written or other village accounts as are kept, shall be bound to produce such accounts in the cases in which the courts of judicature, or the collectors, are empowered by the abovementioned or any other Regulation to require them; and such officers, as well as their constituents, are to be considered liable to all the rules in that section (the rules in clause ninth excepted) in the same manner as the proprietors, dependent talookdars, farmers, and putwarries, in other districts.

Further period allowed for distributing pottahs in the zillah of Purneah, and in the zemindarry of Nuddea.

IV. The proprietors and farmers of land, and the dependent talookdars in Purneah, are allowed, until the expiration of the year 1200 Bengal era, and the proprietor of the zamindarry of Nuddea, until the expiration of the year 1201 of the same era, to complete the delivery of pottahs to their respective ryots, in conformity to the rules prescribed in Regulation VIII, 1793, and the rule contained in section LXI, of that Regulation, which directs that after the expiration of the year 1198, of the eras current in the different provinces, *No engagements for rent contrary to those ordered in that Regulation, shall be held valid; and that in the event of any claims being preferred by proprietors of estates, or dependent talookdars, farmers, or ryots, on engagements wherein the consolidation of the assul, abwaub, &c. shall appear not to have been made, they are to be nonsuited with costs*, shall not be considered to be or to have been in force in the before mentioned zillah and zemindarry respectively, until the expiration of the periods above specified. (b)

Rules for cases in which ryots omit or refuse to receive the prescribed pottahs.

V. The ryots in the different parts of the country frequently omitting or refusing to take out or receive pottahs, although the persons from whom they are entitled to demand them, are ready to grant them *in the form and on the terms, prescribed by the Regulations*, (c) it is declared, that if a proprietor or farmer of land, or a dependent

(a) This Regulation, from section 5 inclusive, is extended to the zillah of Cuttack by R. 12, of 1805, S. 36.

(b) See the modifications of the rules in R. 8, of 1793, and in this Regulation, regarding pottahs, prescribed by R. 5, of 1812, S. 2 and 3.

(c) Rescinded by R. 5, of 1812, S. 3. The proprietors and farmers of land are now at liberty to grant pottahs to their ryots, and to receive corresponding engagements in return, according to such form as the contracting parties may deem most convenient and conducive to their respective interests.

talookdar,

talookdar, *after the approbation of the collector to the form of the pottah or pottahs for the lands in his estate or farm shall have been obtained, as prescribed in section LVIII, Regulation VIII,* 1793, *(d)* shall fix up in the principal cutcherry or cutcherries of his estate or farm, a notification in writing under his seal and signature, specifying that pottahs *according to the form approved, and at the established rates, (d)* will be immediately granted to all ryots who may apply for them, and stating where and when and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, farmer, or the dependent talookdar shall be deemed to have complied with the orders in section LIX, Regulation VIII, 1793, and the persons so tendering pottahs shall be entitled to recover the rents due to them from such ryots, either by the process of distraint laid down in Regulation XVII, 1793, or by suit in the dewanny adawlut.

Rules for determining disputes regarding the rates of pottahs to be granted under Regulation VIII, 1793.

VI. *The approbation of the collector required to be obtained to pottahs by section LVIII, Regulation VIII,* 1793, *is to be considered to extend to the form only. (e)* If a dispute shall arise between the ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind) it shall be determined in the dewanny adawlut of the zillah in which the lands may be situated, according to the rates established in the purgunnah for lands of the same description and quality as those respecting which the dispute may arise. *(f)*

Rule in the preceding section applied to the renewal of pottahs that may expire or become cancelled under Regulation XLIV, 1793.

VII. The rules in the preceding section are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance under Regulation VIII, 1793, but also to the renewal of pottahs which may expire or become cancelled under Regulation XLIV, 1793. And to remove all doubt regarding the rates at which the ryots shall be entitled to have such pottahs renewed; it is declared, that no proprietor or farmer of land, or any other person, shall require ryots, whose pottahs may expire or become cancelled under the last mentioned Regulation, to take out new pottahs at higher rates than the established rates of the purgunnah for lands of the same quality and description, but that ryots shall be entitled to have such pottahs renewed at the established rates, upon making application for that purpose to the person by whom their pottahs are to be granted, in the same manner as they are entitled to demand pottahs in the first instance, by Regulation VIII, 1793.

A. D. 1794. REGULATION V.

A REGULATION *for restricting the Sudder Dewanny Adawlut, and the provincial courts of appeal, from admitting appeals from decisions passed by any of the courts of dewanny adawlut, heretofore denominated courts of mofussil dewanny adawlut, between the 6th April* 1781, *and the* 1st *May* 1793, *that were declared to be final by the Regulations for the administration of justice which existed during that period.*—Passed *by the Governor General in Council, on the 30th May* 1794*; corresponding with the* 19*th Jeyte* 1201 *Bengal era; the* 16*th Jeyte* 1201 *Fussily; the* 19*th Jeyte* 1201 *Willaity; the* 16*th Jeyte* 1851 *Sumbut; and the 29th Showaul* 1208 *Higeree.*

Preamble.

BY the Regulations for the administration of justice which were in force between the 6th of April 1781, and the 1st May 1793, all decisions passed by any mofussil dewanny adawlut, wherever established, or before whomsoever held, were de-

(d) Rescinded by R. 5 of 1812, S. 3. The proprietors and farmers of land are now at liberty to grant pottahs to their ryots, and to receive corresponding engagements in return, according to such form as the contracting parties may deem most convenient and conducive to their respective interests.

(e) Rescinded by R. 5, of 1812, S. 3. See the preceding note.

(f) See the provisions of Regulation 5, 1812, S. 5, explanatory of the rule for collecting rents agreeably to the established usages and rates of the purgunnah.

clared

clared to be final where the decree was for a zemindarry, talookdarry, chowdrai, or any land, or house, being lakheraje, the stated annual produce of which did not exceed the sum of one hundred sicca rupees; or where the decree was for a zemindarry, talookdarry, chowdrai, or any land or house, being malguzarry, where the jumma or annual revenue payable to Government was not more than one thousand sicca rupees: or, if the land was malguzarry ayma, where the quit-rent payable to Government did not exceed fifty sicca rupees; and in all other cases, where the decree was for a sum of money or thing, the amount or value of which was not more than one thousand sicca rupees. By section XII, Regulation V, 1793, it is declared that an appeal shall lie from all decisions of the zillah and city courts (heretofore denominated courts of mofussil dewanny adawlut) without limitation as to the value or amount of the property decreed, provided an appeal from the decision be presented within three calendar months after it may be passed, either to the provincial court, or to the court by which the decree may have been given. By the same section however, a power is lodged in the provincial courts of receiving appeals from decisions after the expiration of the three months, provided the appellant can show good cause to their satisfaction for not having preferred the appeal within the limitted time. Doubts having arisen whether the abovementioned power vested in the provincial courts of admitting appeals from decisions after the elapse of the limitted period of three months, was meant to extend to decisions passed prior to the 1st May 1793, which were not appealable by the Regulations that existed when the decrees were given, and as the admitting of an appeal either to the provincial courts, or to the Sudder Dewanny Adawlut, from such decrees, would be injurious to property held in virtue of them, as well as to those persons who deemed themselves aggrieved by any such decrees, but whose petitions to appeal from them were rejected in consequence of the Regulations then in force declaring them to be final; and it being necessary, in order to prevent property held under decrees of the late courts of mofussil dewanny adawlut, and of the zillah and city courts, being considered insecure, that the powers vested in the provincial courts of appeal of receiving under the restrictions prescribed in Regulation V, 1793, appeals from decrees of the former courts that were appealable by the Regulations under which they were given, and from the decrees of the latter courts in all cases, after the elapse of the period limitted for preferring the appeal, should be exercised with due caution; the following rules have been enacted. (a)

No appeals to be received from decrees of the courts of mofussil dewanny adawlut passed before the 1st May 1793, that were final by the Regulations which existed when they were given.

II. The provincial courts of appeal, and the Sudder Dewanny Adawlut, are prohibited admitting an appeal from any decision passed subsequent to the 6th April 1781, and previous to the 1st May 1793, by any of the late courts of mofussil dewanny adawlut established in the several collectorships (now denominated zillahs), and in the cities of Patna, Dacca, and Moorshedabad, where the decree is for any zemindarry, talookdarry, chowdrai, or other land or house being lakheraje, the stated annual produce of which shall not exceed the sum of one hundred rupees; or, where the decree is for any ayma land paying a quit-rent to Government not exceeding the annual amount of fifty sicca rupees; or where the decree is for any zemindarry, talookdarry, or chowdrai, or any house or land being malguzarry, where the stated jumma or annual revenue payable to Government shall not exceed one thousand sicca rupees; and in all other cases where the decree is for any sum of money or thing, the amount or value of which shall not exceed the sum of one thousand sicca rupees.

Exception to the rule.

Provided however, that if the provincial courts of appeal shall have admitted any appeals previous to the date of this Regulation, either of their own authority, or pursuant to orders from the Governor General in Council, or the Sudder Dewanny Adawlut, from decisions passed by any mofussil dewanny adawlut prior to the 1st May

(a) The last section only of this Regulation is to be considered applicable to the zillah of Cuttack under R. 14, of 1805, S. 11.

1793, in any causes which were not appealable by the Regulations that existed when the decrees were given, they shall try and decide such appeals, notwithstanding any thing that may be said to the contrary in this Regulation. *(b)*

Provincial courts to exercise with caution, the powers vested in them of admitting appeals after the limitted time.

III. As all property held under decrees passed by the late courts of mofussil dewanny adawlut previous to the 1st May 1793, which were appealable under the Regulations that were in force when the decrees were given, and also under decrees of the zillah and city courts which have been passed subsequent to the 1st May 1793, or that may be hereafter passed by those courts, would be considered to be insecure, were it always liable to be again contested after the elapse of the period limitted for appealing from the decrees, the provincial courts of appeal are to exercise with due caution the power vested in them by section XII, Regulation V, 1793, of admitting appeals from decrees of the late courts of mofussil dewanny adawlut, passed previous to the 1st May 1793, which were not final by the Regulations that existed when the decrees were given, and also from decrees that have been passed by any zillah or city court since the first May 1793, or that may be hereafter given by those courts, where the petition of appeal shall have been presented after the limitted period of three calendar months. Upon the principles above stated, they are also to be careful not to try any appeal, although the petition of appeal shall have been filed within the prescribed time, or admitted after the elapse of it, where the appellant shall have omitted to proceed in the appeal for six weeks, unless he can show good and satisfactory cause for the omission, as required in section XXI, Regulation V, 1793.

And also of trying appeals after the appellant has omitted to proceed in them for six weeks.

A. D. 1794. REGULATION VI.

A REGULATION *for postponing to the 10th April, 1795, the operation of such parts of sections XVIII, XIX, XX, and XXIII, Regulation XXXV, 1793, as regard to the silver coin.*—PASSED *by the Governor General in Council, on the 30th May, 1794; corresponding with the 19th Jeyte 1201 Bengal era; the 16th Jeyte 1201 Fussily; the 19th Jeyte 1201 Willaity; the 16th Jeyte 1851 Sumbut; and the 29th Showal 1208 Higeree.*

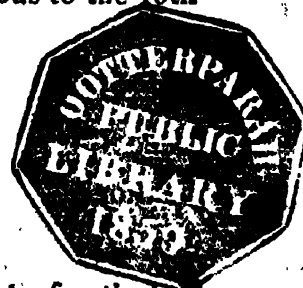
BY section XVIII, Regulation XXXV, 1793, it was enacted, that after the 10th April 1794, corresponding with the 30th Chyte 1200 Bengal era, the 25th Chyte 1201 Fussily, the 30th Chyte 1201 Willaity, the 25th Chyte 1851 Sumbut, and the 9th Ramzaan 1208 Higeree, no other rupee excepting the sicca of the nineteenth sun, should be received at any of the public treasuries, or issued therefrom, or be considered as a legal tender of payment in any public or private transaction. This rule was a confirmation of a rule to the same effect, passed on the 24th October 1792, at which time it was presumed, that by the abovementioned period, a sufficient number of sicca rupees of the nineteenth sun would have been introduced into circulation for rendering it the only legal tender of payment, and enforcing the other rules in that Regulation that were to take place from the same date. The Governor General in Council having received representations from different parts of the country, that the number of sicca rupees of the nineteenth sun now in circulation is not sufficient for the purposes abovementioned, and that rejecting all other species of rupees at the treasuries in the different zillahs at present, would impede the collection of the revenue, and be productive of much inconvenience to the people at large, the following rule has been enacted.

(b) This section besides not being applicable to cases which have occurred since the 1st May 1793, is not conformable to the subsisting Regulations which define what suits are appealable and those which are not.

II.

II. Such parts of sections XVIII, XIX, XX, *(a)* and XXIII, Regulation XXXV, 1793, as regard the silver coin, are not to be considered to be, or to have been, in force, until the 10th of April 1795, *(b)* corresponding with the 30th Chyte 1201, Bengal era, the 6th Bysaak 1202 Fussily, the 30th Chyte 1202 Willaity, the 6th Bysaak 1802 Sumbut, the 19th Ramzaan 1209 Higeree, after which period, all the rules contained in those sections are to be considered in full force. Until the arrival of that period, rupees of sorts are to be received at the public treasuries, and to be current under the rules that were in force regarding them previous to the 10th April, 1794.

Operation of the rules in Regulation XXXV, 1793, herein specified, postponed to the 10th April 1795.



A. D. 1794. REGULATION VII.

A REGULATION *for enabling one judge of circuit, to hold the courts for the half yearly and monthly jail deliveries; and for empowering one of the judges of the provincial court of appeal in each division to remain at the sudder station to transact certain parts of the business of the court, whilst the other judges are making the circuit; and for providing against the absence or indisposition of the judges or their law officers, and against vacancies in the judicial and law appointments.*—PASSED *by the Governor General in Council, on the 17th October 1794; corresponding with the 3d Kautic 1201 Bengal era; the 9th Kautic 1202 Fussily; the 3d Kautic 1202 Willaity; the 9th Kautic 1851 Sumbut; and the 22d Rubbee ul Awul 1209 Higeree.*

BY section XLI, Regulation IX, 1793, one of the two courts directed to be formed in each division, for expediting the half yearly jail deliveries in the several zillahs prescribed by section XL, of that Regulation, is required to be held by the first judge, and the other court, by the second and third judge of circuit. During the absence of the judges on the circuits, the exercise of their functions as judges of the provincial courts of appeal in civil cases is unavoidably suspended. As necessary consequences of the courts of appeal being shut during these periods, persons desirous of appealing from the decrees of the zillah or city courts are often prevented from filing their petitions within the limitted period, whilst others who have allowed the time for appealing to elapse, urge the absence of the judges from the station at which the courts are held, as a plea for not having preferred their petitions within the prescribed time; answers to references to the courts are delayed; the execution of their orders and process is suspended; and the decision of appeals retarded. By section XLVI, of the same Regulation, it is likewise ordered, that all the judges of courts, on their return from the circuits, shall sit in court at the monthly jail deliveries directed to be held at the sudder stations. In consequence of this rule, a very considerable part of the time of the judges during the intervals between the half yearly circuits, is occupied with criminal trials, insomuch as not to leave them sufficient time for completing the business of the courts of appeal before the arrival of the period for performing the next circuit. With a view therefore to expedite the decision of appeals in civil causes, without retarding the half yearly and monthly jail deliveries, and also to obviate interruption to the administration of justice from the absence or indisposition of any of the judges or their law officers, or from vacancies in the judicial or law appointments, the following rules have been enacted.

II. Sections XLI, XLII, XLIII, XLIV, XLV, and XLVI, Regulation IX, 1793, are rescinded.

Sections of Regulation IX, 1793, repealed.

(a) This section is rescinded by R. 13, of 1807, S. 2.

(b) Further extended to the 10th April 1796, by R. 59, of 1795.

Two courts to be formed in each division to make the half yearly jail deliveries.

III. To expedite the half yearly jail deliveries in the zillahs, two courts are to be formed in each division. Each court is to be superintended by one of the judges of circuit. The register and the cauzy are to accompany one court, and one of the assistants to the register, and the mufty, are to attend the other. The courts of circuit however are empowered, whenever it may appear to them advisable, to order their registers and their assistants to remain at the sudder station during the circuits, for the purpose of translating the records of the trials which may be referable to the Nizamut Adawlut or for the performance of any other official duty. *(c)*

Each court to be superintended by one judge.

The register or his assistant and one law officer to accompany each court.

The remaining judge of the court to continue at the sudder station.

IV. *First.* The remaining judge of the court of circuit in each division, is to continue at the sudder station for the purposes specified in section XII. *(d)*

Judges to remain at the sudder station in rotation.

Second. The judges are to remain at the sudder station in rotation.

Stations to which the courts are to proceed.

V. The courts formed as directed in section III, are to proceed to the undermentioned stations: *(e)*

DIVISION OF PATNA.

One Court. Tirhoot, Sarun, and Shahabad.
One Court. Behar Proper, and Ramgur.

DIVISION OF DACCA.

One Court. Sylhet and Momensing.
One Court. Tipperah, Chittagong, and Backergunge.

DIVISION OF MOORSHEDABAD.

One Court. Dinagepore, Rungpore, and the districts under the Commissioner of Cooch Behar, exclusive of the independent territories of the Rajah of Cooch Behar.
One Court. Purneah, Boglipore, and Rajeshahy.

DIVISION OF CALCUTTA.

One Court. Nuddea and Jessore.
One Court. Midnapore, including the salt districts, Burdwan, and Beerbhoom.

The same judge and law officer not to make two circuits successively to the same station. Nizamut Adawlut may dispense with this section and clause second, section IV.

VI. The two courts in each division are to proceed alternately to the stations specified in section V, so that the same judge and law officer may never make two circuits successively to the same station. The Nizamut Adawlut however are empowered to dispense occasionally with the rule contained in this section, and also with the rule in clause second, section IV, in any special cases in which it may appear to them necessary. *(f)*

Judges not to absent themselves from their stations without the orders of the Nizamut Adawlut, nor to omit to go the circuit in their turn, unless prevented by indisposition or other cause, of which notice is to be sent to that court.

VII. No judge is to absent himself from his station without the previous sanction of the Nizamut Adawlut, *(g)* nor shall any judge when present at his station, omit to go the circuit as prescribed, unless he should be prevented by indisposition, or other unavoidable impediment, the earliest notice of which is to be transmitted to that court. *(h)*

(c) One court, instead of two, now holds the half yearly jail deliveries of each division, which is superintended by the second, third, or fourth judge, in rotation, and attended by the cauzy and mufty alternately. The registers and assistants of the provincial courts of appeal and circuit do not attend upon the courts of circuit, but remain at the sudder stations for the discharge of their other duties. See R. 3, of 1797, S. 2.

(d) Section 12 of this Regulation is rescinded by R. 1, of 1807, S. 2. There are now four instead of three judges in the courts of circuit, respectively, and the first judge always remains stationary at the sudder station, unless particularly required to go the circuit by the Nizamut Adawlut or the Governor General in Council, the ordinary duties of the circuit, including the jail deliveries at the head station, are performed by the other three judges in succession. See R. 5, of 1814, S. 3.

(e) The jail deliveries of the zillahs in the several divisions of Calcutta, Dacca, Moorshedabad and Patna, are held agreeably to the order of succession laid down in R. 3, of 1798, S. 6 — R. 9, of 1804, S. 7, C. 1—and R. 1, of 1806, S. 4.

(f) See the notes to sections 3 and 4 of this Regulation.

(g) Not without the previous sanction of the Governor General in Council. See R. 2, of 1801, S. 15.

(h) This and the next section are extended to the province of Benares, subject to sundry local modifications, by R. 16, of 1795, S. 18.

VIII.

Provisions made for the absence or indisposition of one of the judges, and for the vacancy of one of the seats in the court;

VIII. *First.* In the event of the absence or indisposition of one of the judges, or of one of the seats in the court being vacant, so as not to admit of one judge remaining at the sudder station for the purposes specified in section XII, whilst the other two judges perform the circuits, the two remaining judges shall nevertheless proceed with the two courts of half yearly jail delivery to the stations prescribed in section V, and the Governor General in Council will either grant a special commission to the register of the court to execute the whole or any part of the business allotted to the judge remaining at the sudder station, or appoint any other person for that purpose, or make such provision for the case as he may deem proper, until the absent or indisposed judge shall return or recover, or the vacant seat in the court shall be supplied. *(i)*

and also for the death or indisposition of a judge whilst on the circuit.

Second. Should either of the judges die on the circuit, or be so indisposed on the circuit, as to be unable to hold a court, the Governor General in Council will either order the judge who may remain at the sudder station to complete the business of the circuit, or make such other provision for the case as may appear to him advisable.

Courts in the divisions of Patna, Dacca, and Moorshedabad, to repair to their sudder stations after completing the jail deliveries in the zillahs.

By whom and when the jail deliveries are to be made at the sudder stations of Patna, Dacca, and Moorshedabad.

IX. When the courts in the divisions of Patna, Dacca and Moorshedabad, have completed the jail deliveries in the several zillahs in which half yearly jail deliveries are directed to be made, they are to repair without delay to their respective sudder stations of Patna, Dacca, and Moorshedabad. The judge of the court of circuit for the division of Patna who may first return from the circuit, is immediately on his arrival, to proceed to try all persons committed or held to bail to take their trial in the city of Patna; the judge of the court of circuit for the division of Moorshedabad who may first return from the circuit, shall in like manner proceed to try all persons committed or held to bail to take their trial in the city *and in the zillah (j)* of Moorshedabad and the judge of the Dacca division who may first return from the circuit, is to proceed immediately to try all persons committed or held to bail to take their trial in the city of Dacca, and in the zillah of Dacca Jelalpore. On the first of the month next but one after the month in which one of the two courts in each of the three abovementioned divisions may return to their respective sudder stations, and upon the first of every succeeding month until the courts proceed again on the half yearly circuit, a court of general jail delivery is to be held for the said cities, and for the zillahs *of Moorshedabad, (j)* and Dacca Jelalpore, and the court is to continue to sit until the business of the monthly session is completed. Agreeably to the above rule, if the judge of any one of the above divisions who may first complete the business of the circuit, shall return to the sudder station on the 15th of January, he is to try all persons committed or held to bail to take their trial as above directed, and the next jail delivery is to be held on the first of March, and on the first of every succeeding month until the courts proceed again upon the circuit. But when the first of the month shall fall on Sunday, the courts of monthly jail delivery directed to be held in the three cities and the two zillahs above specified, shall not be opened until the Monday following, nor shall any of the courts of circuit sit on Sunday on any occasion whatever. *(k)*

Courts of circuit not to sit on Sunday in any case whatever.

Judges to hold the monthly courts of jail delivery

X. The courts of monthly jail delivery directed in section IX, to be held at the stations of Patna, Dacca, and Moorshedabad, are to be held before one of the judges

(i) The case provided for by this clause can now seldom or never occur inconsequence of the appointment of four judges to each of the courts of appeal and circuit, and the holding of the jail deliveries of each division by one court instead of two.

(j) This zillah is now extinct, the mehals which composed it have been partly annexed to the city of Moorshedabad, and partly to the zillah of Beerbhoom. See R. 1, of 1806, S. 2.

(k) The courts of circuit being at present composed of four judges instead of three, and the half yearly jail deliveries of the zillahs being now held by one court instead of two, the jail deliveries of all the principal stations are held monthly, and at the commencement of each English month, by one of the three junior judges in each division, who may be present at the sudder station, or by them all, if there should be present more than one, alternately. But the jail delivery of Dacca Jelalpore, though required to be held quarterly, and after the jail delivery of the city of Dacca, is held half yearly like those of other zillahs. See the several provisions of *R. 3*, of 1797—R. 2, of 1799—R. 2, of 1804, S. 4,—and R. 5, of 1814, S. 3. C. 2.

of

At the city stations in rotation.

of each division, who are to hold the sessions in rotation, that the other two judges may at the same time hold a court of appeals.

Jail deliveries in the Twenty-four Purgunnahs when and how to be made.

XI. When the judges of the division of Calcutta have completed the half yearly jail deliveries in the zillahs mentioned in section V, they are to return to their station in the vicinity of Calcutta, and to hold jail deliveries for the zillah of the Twenty-four Purgunnahs in the same manner as the courts of circuit in the other devisions are directed in section IX, to hold jail deliveries for the cities at which they are respectively stationed. *(l)*

Duties to be performed by the judge who may remain at the sudder station during the circuits as prescribed in section IV

XII. *First.* The judge who may remain at the sudder station in conformity to section IV, is to perform the following duties. *(m)*

To receive petitions of appeal presented within the limited time, and to issue process.

Second. To receive petitions of appeal from decisions of the zillah or city courts, which may be presented within the time prescribed for preferring appeals, and to issue all the consequent process for the appearance of the respondent, and for procuring the proceedings from the lower court.

To receive petitions preferred after the limited time, and how to proceed with them.

Third. To receive any petitions of appeal that may be preferred after the prescribed time, and to mark them with the date on which they may be presented. But the judge shall not admit or reject the appeal in such cases, but shall retain the petitions until one of the other judges shall take his seat in the court, when the admission or rejection of the appeal is to be determined upon.

To execute the orders of the Sudder Dewanny Adawlut.

Fourth. To execute all decrees and orders of the Sudder Dewanny Adawlut, answer references from that court, and make the required returns.

To execute decrees, and transact all current business.

Fifth. To execute all decrees and orders which may have been passed by the provincial court; to determine on the sufficiency of securities; and generally, to transact the current business of the court.

To prepare causes for decision.

Sixth. To prepare appealed causes for the decision of the court, by receiving from the parties the necessary exhibits, and summoning and hearing witnesses in cases in which it may be necessary, and authorized.

To try causes referred to the court in the first instance.

Seventh. To issue the necessary process in causes which may be referred to the court for trial in the first instance; to receive the pleadings and exhibits; and examine the witnesses of the parties.

Judge vested with the same power as the court in the discharge of the above duties.

Eighth. In the execution of the above duties, the judge shall possess the same powers as the court collectively.

Judge not to alter any orders of court, nor to pass decrees in any appeal or cause.

Ninth. But the judge shall not have power to alter any order of the court passed by any two or the three judges; nor to pass any decision on any appeal, or any cause referred to the court for trial in the first instance, in opposition to Regulation XLVII, 1793, which directs that no decision is to be held valid unless it be passed by two judges present in court.

Court not to be prevented re-examining witnesses or passing orders respecting causes prepared for trial by the judge.

Tenth. The powers vested in the judge are not to be construed to prevent the court re-examining the witnesses whose depositions may have been taken by the judge; or examining any other witnesses in the cause; or passing any other order respecting it that may appear to them advisable, and consistent with the Regulations.

Provisions made for the absence or indisposition of one of the judges, or the vacancy of one of the seats in court, in the intervals between the circuits.

XIII. In cases where from the indisposition, or absence of one of the judges of the court, or from one of the seats being vacant in the interval between the half yearly circuits, the judge whose duty it may be to make the monthly jail delivery at the sudder station, is to hold the criminal court every other day, so as to be able to sit in the civil court also; or he shall hold his court at such hours as will enable him to sit

(l) The jail deliveries of the Suburbs of Calcutta and of the Twenty-four Purgunnahs beyond the Suburbs of Calcutta, are held monthly, like those of the other principal stations, agreeably to R. 11, of 1814, S. 4.

(m) The whole of this section is rescinded by R. 1, of 1807, S. 2. See the provisions of that Regulation, of R. 13, of 1810, and R. 25, of 1814, S. 6, defining the duties to be performed and powers to be exercised by single judges of the provincial courts of appeal in the absence of the other judges of the court, or on holding a separate sitting of the court for the general dispatch of business.

likewise

likewise in the civil court; and the other judge, whilst his colleague is employed in the criminal court, is authorized to do all such acts as the judge remaining at the sudder station is empowered to perform by section XII. (n)

Provisions for the absence or indisposition of the law officers, or for a vacancy in either or both of the law officers.

XIV. In the event of both or either of the law officers being absent, or dying, or falling sick on the circuit, or not being able to go to the circuit from indisposition, or of either or both of the offices of mufty or cauzy being vacant, the courts of circuit are empowered to employ the Mahomedan law officers of the dewanny adawlut of the zillah or city at which the jail delivery may be held, and the futwah of such law officers shall be held of equal validity with the futwahs of the law officers of the court of circuit.

A. D. 1794. REGULATION VIII.

A REGULATION *for extending and defining the powers given by section VI, Regulation XIII, 1793, to the registers of the zillah and city courts, to try and decide causes referred to them by the judges of their respective courts, and for empowering the zillah and city courts in certain cases, to refer rent and revenue accounts to the collectors for report.*—PASSED, *by the Governor General in Council, on the 14th November 1794; corresponding with the 1st Aughun 1201 Bengal era; the 6th Aughun 1202 Fussily; the 6th Aughun 1202 Willaity; the 6th Aughun 1851 Sumbut; and the 20th Rubbee us Sanee 1209 Higeree.*

TO prevent the time of the judges of the zillah and city courts being occupied with the trial of petty suits, and consequently to enable them to determine causes of magnitude with greater expedition, they were empowered by section VI, Regulation XIII, 1793, *to authorize the registers of their respective courts to try and decide any suits for money or any personal property where the amount or the value of the thing contested should not exceed the sum of two hundred sicca rupees, and for malguzarry land, the annual produce of which should not be above two hundred sicca rupees, and for lakheraje land the produce of which should not be more than twenty sicca rupees per annum.* But the same Regulation, directing that the decrees so passed by the register, *were to be countersigned by the judge to denote his approbation of them, and were not to be considered valid unless they were so countersigned,* and this restriction being equally applicable whether either of the parties were dissatisfied with the decision or otherwise, and in fact, rendering the judge solely responsible for it, he was necessarily obliged to revise the proceedings of the register in every case, which often occupied as much of his time as would have been required for the trial of the suits in the first instance, and consequently tended to defeat the object of the reference. From these circumstances, the judges have seldom found it expedient to exercise the discretionary power vested in them of referring suits for trial to their registers. With a view therefore to the full attainment of the object of the rule, and to prevent the time of the courts of appeal being occupied by petty suits, and further to expedite the administration of justice by relieving the zillah and city courts from the trouble of arranging and comparing the long and intricate accounts, the adjustment of which is frequently neces-

(n) A single judge of the provincial court of appeal, is, by the existing Regulations, competent to hold a regular sitting of the court, under certain restrictions. See the rules in R. 13, of 1810, S. 2. C. 2, and R. 25, of 1814, S. 6. Moreover, the courts of appeal and circuit consisting now of four judges instead of three, there remain generally three judges at the sudder station for the discharge of the business of the court of appeal and of the jail delivery at the sudder station, after allotting one judge for holding the half yearly jail delivery of the zillahs in each division.—This and the next section are extended to the province of Benares, subject to certain local modifications, by R. 16, of 1795, S. 21.

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sary for the decision of suits between individuals respecting land rents or revenue, the following rules have been enacted. (o)

Section VI, Regulation XIII, 1793, rescinded.

II. Section VI, Regulation XIII, 1793, is hereby rescinded, and the following rules substituted in lieu of it.

Causes to be referred by the judges to their registers for trial and decision. Registers to sit three days in every week to hear causes.

III. The judges of the zillah and city courts are empowered and directed to refer to their registers for trial and decision, the causes that are depending or which may be filed in their respective courts, for money or personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees; or for malguzarry land, the annual produce of which shall not be above two hundred sicca rupees; or for lakheraje land, the produce of which shall not be more than twenty sicca rupees per annum. (p) For the hearing and deciding the abovementioned causes, the judges are to cause their registers to sit three days in every week, or oftener, if their other avocations will permit.

Where the register is to try the causes.

IV. The register is to try the suits which may be referred to him by the judge, in open court, at times when the judge himself may not sit, or in the event of the court room being occupied by the judge, in any other part of the cutcherry. (q)

Register to conform to the rule, for the trial of causes prescribed to the judges.

V. In trying the causes the register is to be guided by the same rules as are prescribed for the trial of suits before the judge.

Decision of the register final for money or personal property not exceeding twenty-five sicca rupees.

VI. The decision of the register shall be final in all suits for money or personal property, the amount or value of which shall not exceed twenty-five sicca rupees. A discretionary power however is vested in the judges of the zillah and city courts of revising the decisions passed by their registers in such causes, in instances in which the decree shall appear to them obviously unjust or erroneous, and to pass such decree as they may deem equitable, and the decree of the judge shall be final notwithstanding any thing that may be said to the contrary in any Regulation passed previous to this date. But the judges are invariably to enter on the record of the trial their reasons for revising such decisions of their registers. (r)

Appeal to lie to the provincial court of appeal from the decisions of the register.

VII. From all decisions passed by the register in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, an appeal shall lie to the provincial court of appeal of the division, under the rules and regulations prescribed regarding appeals from decisions passed by the judge. (s)

How process in suits referred for trial to the register is to issue.

VIII. All process whatever which it may be necessary to issue in suits referred for trial to the register, shall issue under the seal of the court and the signature of the register, and shall be executed by the officers of the court, and considered in every respect of the same force and validity as similar process issued in causes under trial before the judge. (t)

(o) Extended to the province of Benares by R. 54, of 1795, [illegible] sundry local modifications therein contained; and to the zillah of Cuttack, by R. 14, of 1805, S. 1[illegible]

(p) Modified by R. 24, of 1814, S. 8. Any original suit in [illegible] or amount may not exceed 500 rupees, is referrible to a register for trial and decision. See sec[illegible] of that Regulation for the special additional powers with which registers may be invested in the trial and [illegible]n of regular civil suits; for the appointment of additional registers to the zillah and city courts, and for the nature and extent of their duties and powers.

(q) See the modification of the existing rules which require the registers to hold their courts in the court houses of the zillah or city dewanny adawluts, in R. 24, of 1814, S. 12.

(r) Modified by R. 24, of 1814, S. 6. C 2. The judgments passed by registers, (excepting those passed under the provisions of S. 9, C. 6, of the above Regulation) in original suits, are all regularly appealable to the judges of the zillah or city courts. There lies also a summary appeal to the judges of those courts from all judgments of the registers passed in original suits or appeals under the provisions of R. 26, of 1814, S 3. The decrees of the judges of the zillah or city courts on appeals from the registers, are declared to be final, open, however, to a special or summary appeal to the provincial courts of appeal. See R. 24, of 1814, S. 8, C. 7—R. 25, of 1814, S 3, C. 4—and R. 26, of 1814, S. 3, C. 3.

(s) Rescinded by R. 36, of 1795, S. 2. See the preceding note.

(t) Modified by R. 24, of 1814, S. 12.

IX.

IX. The causes referred to the register for trial, are to be pleaded either by the parties in person, or by the authorized vakeels of the court under Regulation VII, 1793. *(v)*

Suits tried before the register to be pleaded by the parties or the authorized vakeels of the courts.

X. That the Sudder Dewanny Adawlut and the provincial courts of appeal may be apprized of the nature and number of the causes decided monthly by the registers to the zillah and city courts, a list of the causes determined by the register in each month, shall be subjoined to the monthly abstract register of causes decided by the judge required to be transmitted to the Sudder Dewanny Adawlut and the provincial courts of appeal by section XI, Regulation XVIII, 1793; and the judges shall likewise distinguish in their monthly abstract registers such decisions as they may pass in appeal from the decrees of the registers, so that the Sudder Dewanny Adawlut may be informed of the number of appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided required to be transmitted to the provincial courts of appeal and courts of circuit by section XII, Regulation XVIII, 1793, the judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their registers; and also the suits that may be under trial before their registers. *(u)*

Causes decided by the registers to be distinguished in the monthly abstract registers.

Judges to distinguish in their monthly registers the decisions passed by them on appeals from the registers.

Half yearly report to specify the appeals depending before the judge and the causes under reference to the register.

XI. This Regulation is not to be construed to prevent the judges from trying in the first instance any causes declared cognizable by the registers, in the event of their having time for the trial of any such causes, or of their deeming it proper for special reasons to try any particular cause or causes of such description, nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulation XL, 1793. *(w)* And in cases in which the judge shall himself try in the first instance any suit for money or personal property not exceeding in amount or value twenty-five sicca rupees, his decision thereon shall be final, notwithstanding any thing that may be said to the contrary in any Regulation passed previous to this date. *(x)*

Judges may try the causes cognizable by the register in the cases herein specified.

XII. No part of this Regulation is to be construed to empower the provincial courts of appeal to authorize their registers to try and decide any appeals whatever that may be preferred to them from the decision of any zillah or city court, or the register of any such court.

Registers to the provincial courts not competent to try any appeals from the decisions of the zillah or city courts, or the registers.

XIII. In causes concerning rent or revenue, or other matters heretofore cognizable in the courts of maal adawlut between proprietors of land, or farmers of land holding their farms immediately of Government, and their respective dependent talookdars, under-farmers or ryots; or between dependent talookdars and their under-farmers or ryots; or between under-farmers farming lands of proprietors of land, or of farmers of land who farm their lands immediately of Government, or of dependent talookdars, and their dependent talookdars, under-farmers, or ryots; or between other persons concerned in the collection or payment of land rents, or revenues, either as principals or sureties, the judge is empowered to refer to the collector for his report, any accounts the adjustment of which may be necessary towards the decision of the suit. The reference is to be made to the collector, by a precept under the signature of the judge and the seal of the court, in which shall be specified, the accounts referred, and the papers which the judge may think it necessary to send in elucidation

Court empowered to refer certain rent or revenue accounts to the collectors for report.

(v) Modified by R. 15, of 1816, S. 2. Native officers or soldiers on the military establishment of the presidency of Fort William, are allowed to appoint a mokhtar to carry on for them suits in court of certain descriptions. Regulation 7, of 1793, above referred to, is rescinded by, and R. 27, of 1814, substituted in its room.

(u) See R. 37, of 1795, enacted for better enabling the Sudder Dewanny Adawlut to judge of the progress made by the zillah and city civil courts, and the provincial courts of appeal, in determining the suits now depending before them, and also of the expedition with which suits hereafter filed may be decided.

(w) This Regulation is rescinded by R. 23, of 1814, in which will be found re-enacted the several rules regarding the moonsiffs or native commissioners, and sudder aumeens or head commissioners.

(x) An appeal lies to the provincial courts of appeal from the decisions of the zillah or city courts in all regular suits tried and determined by them in the first instance. See R. 25, of 1814, S. 3. C. 3.

of

of them, and the time by which the report is to be made. The judge may likewise command the parties or their vakeels, and any witnesses they may have to produce, to appear before the collector, that he may examine them regarding the accounts, and also empower the collector to administer the customary oaths to the witnesses, or to examine the parties on oath, if they shall agree to be so examined. The collector shall submit his report on the accounts to the court by the prescribed time, attested by his official seal and signature, or assign his reasons for not having been able to complete it by the period directed. The judge, upon the receipt of the collector's report, shall either confirm, set aside, or alter his adjustment of the accounts, or pass such decision respecting them, as may appear to him proper. But the rules in this section are not to extend to empower the judge to refer to the collector any accounts relating to suits in which he or any of his public officers, or private servants, or Government, may be a party.

Judges prohibited referring accounts to the collector in suits in which he, or any of his officers or servants, or Government may be a party.

A. D. 1795. REGULATION I.

A REGULATION *for fixing in perpetuity the revenue assessed on the lands in the province of Benares; for the more general restoration of the antient zemindars; and for extending to the province of Benares the rules prescribed in Regulation XLI, 1793.*—PASSED *by the Governor General in Council on the 27th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

THE Governor General in Council having determined, with the concurrence of the Rajah of Benares, to introduce into that province, as far as local circumstances will admit, the same system of interior administration as has been established in the provinces of Bengal, Behar, and Orissa, and the limitation of the annual revenue payable from the lands, forming an essential part of that system, as stated in the preamble to Regulation II, 1793, the following rules have been enacted. (y)

The origin and progress of the assessment of the land revenue in the province of Benares.

II. On the expiration of the year 1195 Fussily, the Governor General in Council instructed the resident to make the settlement of the revenue for the ensuing year 1196 under his own immediate control. The resident accordingly completed the settlement, by granting leases for the term of one year to certain aumils, and for five years to others, by which they bound themselves to pay a specific jumma or assessment. But the Governor General in Council being desirous of extending to the province of Benares from the beginning of the [illegible]97, as far as circumstances might admit, the principles of the decennial settle[illegible]ected to be formed in the provinces of Bengal, Behar, and Orissa, those princ[illegible] were accordingly introduced in the districts of which the aumils, in the preceding year, had obtained leases for five years, by their consenting to the resident's issuing pottahs or leases under their and his joint seals and signatures, for the remaining four years of the term of their own engagements, to all the talookdars, and to the village zemindars, and farmers, by which it was stipulated that they should pay a certain fixed assessment, the amount of which should be received by the aumils, and accounted for by them to Government; and in the districts, the leases of which had been granted for one year only, and had consequently expired, by the issuing of pottahs to the talookdars, and the village zemindars, and farmers, under the signature of the resident and the Rajah,

(y) See further rules respecting the permanent settlement concluded in the province of Benares, in Regulations 2 and 27, of 1795.

fixing

fixing the revenue to be in like manner paid by them through the aumils for the term of ten years. The particulars of these arrangements, were detailed in the reports on the said settlements for one year, and for four and ten years, made to the Governor General in Council by the resident on the 26th of April, the 30th of November, and the 26th of December 1789, and the 25th November 1790, and in the papers and accounts therein referred to; and on a consideration of them, the Governor General in Council, on the 11th February 1791, approved of the said quartennial and decennial settlements, with the talookdars, village zemindars and farmers, and ordered " that the four years pottahs be confirmed for the ensuing six so as to reduce the whole to a ten years' settlement, and that assurances be given to the pottah holders, that as long as they continue to pay their revenue stipulated in the last year of the increase as specified in their several pottahs, they shall not be liable to any further demand during their lives." This order has been repeatedly notified to the parties whom it concerned, who, with the exception of the pottah holders in a few purgunnahs, and of certain individual zemindars, and farmers, in others, have by the performance of the conditions required of them, become entitled to hold their lands at a fixed assessment during their lives as specified in the said order. The Governor General in Council has now further resolved that the revenue stipulated to be paid on account of the lands included in the quartennial and decennial pottahs, the conditions of which have been performed, whether held by zemindars or farmers, shall be fixed in perpetuity, and that the person or persons now holding, or who may hereafter become entitled under the regulations to succeed to, such pottahs, shall not be liable to any additional payment beyond the highest annual jumma, specified in such pottahs. That this resolution may be rendered more immediately and generally known, the resident is to notify it to the parties interested by a proclamation to the following effect.

Revenue assessed on the lands included in pottahs, and the conditions of which have been performed, fixed in perpetuity.

III. *First.* " On the 11th February 1791, the Governor General in Council signified his approbation and confirmation of the quartennial, and decennial settlements, formed in the Fussily year 1197, (1789-90), throughout the four circars comprised in the province of Benares, and directed in respect to the pottahs for four years, that the amount of the jumma payable thereby in the fourth year, should be continued for the next six years, so as to place the quartennial pottahs, on the same footing as the pottahs granted for ten years. The Governor General in Council now declares, that the jumma payable according to the quartennial and decennial pottahs shall remain fixed for ever, so that no sum exceeding the amount specified as the highest annual jumma payable according to the said pottahs, shall ever be required of those pottahdars or holders of pottahs, who have hitherto paid up their revenue, and observed all the other conditions specified in their pottahs, nor of those who may hereafter become entitled to hold or succeed to such pottahs, so long as they shall continue to discharge the amount, and to perform the conditions therein stipulated.

Proclamation.

Revenue assessed on the lands agreeably to the pottahs granted under the rules for the quartennial and decennial settlements, declared fixed in perpetuity.

Second. The above declarations are made with the following reservations.

Reservations under which the above declarations are made.

Third. The holders of the pottahs are to be considered as bound to conform to all regulations regarding them, the preservation of the rights of the putteedars or sharers in estates, the ryots, or the administration of justice, which have been or may be passed by the Governor General in Council, and printed and published in the manner prescribed in Regulation XLI, 1793.

Fourth. The succession to zemindarries is to take place according to the established laws, rules and customs of the country, as provided for in the regulations passed, or which may be enacted, for the province of Benares, and printed and published in the manner prescribed in Regulation XLI, 1793.

Rule regarding the succession to zemindarries.

Fifth. In the event of the death of a farmer, holding a pottah for lands the zemindar of which was dispossessed previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, or of the pottah of any such farmer becoming

Cases in which a zemindar dispossessed before the 1st July 1775, shall be restored to his estate

on the avoidance of the pottah which may have been granted for it to a farmer.

ing otherwise void, it has been determined, with the concurrence of the rajah of Benares, that such zemindar, or his heir or heirs, shall be restored to the estate, provided he or they shall agree to pay the fixed jumma assessed on the lands, agreeably to such pottah, and to conform to all regulations for the collection of the revenue, the administration of justice, or other matters, which may be printed and published in the manner prescribed in Regulation XLI, 1793. In such case, the estate shall be made over to him or them, in preference to its being leased to a new farmer, or to the heir of the last pottah holder.

Conditions under which such restoration is to take place.

Cases in which zemindars who have had possession of their estates since the 1st July 1775, but which may have been leased to farmers, may recover possession from such farmers.

Sixth. According to the well known rule prevailing in the province, those zemindars who have had possession of their estates since the 1st of July 1775, but who were nevertheless excluded at the forming of the permanent settlement, may recover possession of their estates from the farmers who may hold pottahs for, and be in the actual management of them, by proving their intermediate possession in the court of dewanny adawlut. The courts of dewanny adawlut, are accordingly to decree the restoration of any such zemindar so claiming, on proof being made by him of such intermediate possession; but every such decree is to provide for such zemindars previously indemnifying the farmer for the loss which he may prove to the satisfaction of the court, to have sustained in consequence of his having held the lands under the pottah of government, and the court is accordingly to enquire into and decide upon such loss, and to cause the amount to be made good to the farmer, before the zemindar is reinstated."

Regulation XLI, 1793, extended to Benares.

IV. The rules contained in Regulation XLI, 1793, entitled, "A Regulation "for forming into a regular code, all regulations that may be enacted for the internal government of the British territories in Bengal," are hereby declared to extend to the province of Benares; and that no doubt may be entertained what regulations so enacted may be meant to extend to that province, or otherwise, it is hereby declared, that no such regulation that has been or may be passed previous to, on, or after this date, shall be considered to extend, either wholly or in part, to the province of Benares, unless the title to the regulation, or the regulation itself, or some other regulation, shall declare the whole or a part of it, to extend that province.

A. D. 1795. REGULATION II.

A REGULATION *for re-enacting with modifications and amendments, the rules regarding the temporary and permanent settlements of the revenue, in the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 21st Chyte 1202 Fusslly; the 16th Chyte 1202 Willaity; the 21st Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

PREVIOUS to the year 1781, the resident stationed at Benares on the part of the British Government, was not empowered to interfere in any respect in the settlement or collection of the revenue of the zemindarry. On the accession of Rajah Mahipnarain in 1781, the administration of the revenue was committed to the charge of naibs acting on his behalf, and subject in some degree to the control of the resident. In the year 1787, the resident himself was intrusted with the superintendence of the formation of the settlement, and the collection of the revenue. The successive measures that have been adopted from the beginning of the Fussily year 1195, which commenced in September 1787, regarding the settlement and collection of the revenue of the province, are hereby enacted into a regulation.

II.

II. At the recommendation of the resident, a new form of cubbooleat was taken by the rajah from the aumils, (then the farmers of the revenue,) on the conclusion of the settlement which he entered into with them for the Fussily year 1195. In this cubbooleat it was stipulated, that the aumils should pay to the rajah the jumma for which they had severally engaged, according to the tushkhees or account particulars of the revenue funds in their respective aumildarries, including nuzeranna, and the government's moiety of the bhuray and russoom khazanah, and exclusive of the articles of mujray, maafy mamooly, and the kharije jumma, which consisted principally of lands exempted from the payment of revenue, and partly of pensions, and charitable, and other allowances, charged on the public revenue. This jumma was to be paid agreeably to the kistbundy or instalments for regulating the periods of the payments of the aumils, which then generally extended from the beginning to the end of the year; and the aumils further agreed, that on proof of their making any undue exactions beyond the tushkhees or funds assigned to them, they should be liable to pay a fine of three times the amount to government.

Engagements of the aumils in 1195.

Penalty for undue exactions.

III. *First.* With a view to provide against sundry abuses and irregularities in the system of realizing the public revenue, the resident, on the 25th June 1788, desired the rajah, to cause a new form of pottah to be established and issued to the ryots, specifying the denomination and length of the rod by which the betay lands, (lands, of the produce of which, government, or the person having the collection of its dues, is entitled to a certain proportion, the value of which, estimated at the current market price, is paid in money by the cultivator of the land,) were to be measured, in case such measurement should be demanded by either party on the arrival of the period when the produce of the crops of the ryots is estimated by the mode termed kunkoot; and as in many places where the revenue was thus paid on such estimations of the harvests, disputes occurred between the ryot and the aumil, as to the value in money at which the crop was to be appreciated, it was provided that twice in the year, or for each harvest, the valuation of the crops should be settled for each purgunnah separately, by the authority of government, and a notification thereof issued; the rates to be paid for the grain or crops in the khereef, to be fixed in the month of Maug, and those of the rebby-harvest, in Jeyte, according to the actual market prices then current in the several parts and divisions of the country. The above mode of estimating the produce, and appreciating the value of the crops, is accordingly in future to constitute the rule for ascertaining the collections to be made from the betay lands, and for adjusting the aggregate amount of them for the whole year, the kists due on each harvest, being intermediately paid on account, according to the usual proportion of the mofussil kistbundy or instalments. The practice of agore betay, (taking the government's half of the produce in kind after the crop has been reaped, or gathered,) was at the same time forbidden, as affording to individuals the means of defrauding government of its due proportion of the produce; and in the form of the pottahs for the betay lands, it was directed to be specified, whether the value of the produce was to be divided between the aumil and the ryot in equal proportions, or with such zabetaneh, or established difference, as the custom of each purgunnah authorized.

Provisions for remedying the abuses in the system of collecting the public revenue.

Measuring rods.

Valuation of crops.

Agore betay forbidden.

Second. In the pottahs for nukdy land, (land paying a specific money rent per begah,) the name and length of the null or measuring rod, was directed to be mentioned: and as since the year 1781, sundry new articles of abwaub and charges had been introduced, the pottah provided, that all new abwaub and charges introduced since the Fussily year 1187, should from the year 1196 of the same era, be considered as prohibited and relinquished, and that the maal or original rent, and abwaub, or cesses, which existed in that year, viz. 1187 Fussily, being incorporated with the maal, so as to form only one aggregate sum, this sum, or specific rate, should constitute what the ryots or cultivators of the nukdy lands were to pay per begah.

Authorized rates of assul and abwaub on land in cultivation.

Third.

Rates of fallow or uncultivated lands.

Third. The rent of waste land intended to be brought into cultivation, was directed to be fixed at such rates as the ryots might willingly agree to pay, and without abwaub.

Instructions for carrying these provisions into execution.

IV. On the 1st of July 1788, the canoongoes were apprized of the above rules, and of the rajah having deputed aumeens for the purpose of carrying them into effect; and they were further informed that they were to co-operate in fixing the jumma of the nukdy lands, and ascertaining the proportion and mode of assessment on the betay lands; and that wherever, during the administration of Rajah Cheyte Sing, the null or measuring rod, was more or less than the rod of three dirrahs ilahee, (which rod alone was ordered to be used for the future,) or wherever a begah consisted of a greater or less extent of land than twenty biswahs in the Fussily year 1187, they were to adjust in proportion to these varieties in the rod, and in the extent of the begah, the rates and modes of the nukdy and betay revenue in one sum, agreeably, and, as nearly as might be possible, equivalent to, the assul and abwaub, or zabetaneh of that year, and to fix the rates in the pottah accordingly. Pottahs were in consequence issued by the rajah's aumeens, comprehending the above specifications, but not so generally or accurately, as fully or effectually to accomplish the object of their deputation; and in the rates inserted in these pottahs, they likewise omitted to make allowance for the difference between the old and new measuring rods and begahs.

Extent and dimensions of a begah of ground, according to the authorized measurement of three dirrahs ilahee.

V. The begah of three dirrahs ilahee, thus established, consists of twenty poles, each measuring eight feet, and four inches, and eight-tenths of an inch; the whole length being one hundred and sixty eight feet, giving a surface or area of twenty-eight thousand two hundred and twenty-four square feet, or three thousand one hundred and thirty six square yards; and the biswah, or twentieth part of this begah, of one hundred and fifty six square yards, and eight-tenths of a yard. On its appearing that several of the aumils and canoongoes, understood that the kesraut, or difference in the length between the former and present measuring rods, was to affect the assessment on all kinds of cultivation, the resident issued an explanatory notification on the 12th of May 1789, to the following effect, viz. In the places where the null or rod of 1187, was less than the general standard rod, established for that year, such difference was to be taken and calculated per begah, on the jummaee or kowlee, i. e. nukdy land, and also upon that known under the denomination of rye kunkooty, or land the produce of which is calculated at a fixed or usual quantity per begah, and the revenues rated thereon accordingly. Thus, where the rye kunkooty had been three maunds or four maunds, or taken at any other specific estimate per begah, according to the rye or rate of 1187, upon the ryot's cultivation in general, either on each distinct kind of produce, or upon a medium of the first, second, or third kinds of produce; in such cases, on the principle prescribed with respect to the nukdy, the difference of the rod was to be taken in all instances, where actual mensuration by the new rod of three dirrah ilahee, should at the desire of either party be resorted to, for ascertaining the whole extent of ground in cultivation. But on the contrary, where the aumeen of the aumil, in the mode termed kunkoot, should proceed with the gowro or estimator, and the gomastah of the canoongoe, and these two last mentioned officers, with the consent of both parties, should estimate the produce of the crop on an inspection of it without measurement, the taking the difference of the rod was neither necessary nor proper, the whole produce being estimated without reference to the extent of the begah. All parties were required to attend to the letter and spirit of these prescriptions; and in conformity thereto, it was further signified to them, that where the crops were estimated in the mode termed danabundy kunkooty, that is, where the revenue is assessed according to the gross produce, without a measurement of the ground, the kesraut or difference between the old and newly established rods was not to be taken, as in these instances, the revenue payable to government was not calculated on the extent of the ground, but on the gross quantity of the produce.

In what cases the kesraut or difference between the old and new nuls are to be taken into account.

It

Rule as to the mour or loops.

It having appeared also that in the old nuls or lettas, (measuring rods or ropes,) the ryots had been defrauded by the aumils unduly shortening them, by subtracting from their length the mour or loops at each end, it was ordered that in ascertaining the difference between those new and old nuls or lettas, the full length of the old ones should be allowed in favor of those who pay the revenue, inclusive of the mour or loops.

Settlement of 1196 Fussily.

VI. The rules passed on the 25th June 1788, (as contained in section III,) were approved by the Governor General in Council, on the 3d of October of the same year, as preparatory to the establishment of a more regular system of assessing and collecting the revenue. With a view to the introduction of this system, the resident was at the same time authorized to take upon himself the entire formation of the settlement for 1196. This settlement was accordingly made principally on the grounds of the reports of the canoongoes, and their estimates of the actual produce, from the assul and abwaub, as the same stood in 1187 Fussily, (the rates of which year, were declared to be the standard according to which the payments of the ryots were to be regulated in future,) and the same accounts for 1195, or the latest assessment. These accounts exhibiting the assets of those two years, were compared with the douls or estimates of the assets of the then current year 1196, as delivered in by the canoongoes. From these douls, the dehyek, or allowance of ten per cent to the aumil as his profits, and the charges of mofussil management; the several articles of deduction and remission coming under the heads of maafy and mujray; the amount of the nankar or allowances of the canoongoes in the lands assigned to them in each pergunnah; and the half of the former bhuray, (i. e. the moiety thereof allowed to the aumils for charges of remittance,) being severally deducted, the residue of the gross assets, as contained in the doul or estimate of the canoongoes, constituted the sum to be paid by the aumil to government. *(a)*

Settlement of 1196 Fussily.

How fixed, and the constituent articles of it.

Abolition of the government's moiety of the bhuray, and of the articles of nuzeranah, and russoom khazanah, &c. as also the sujee mehal.

VII. The other moiety of the bhuray mentioned in the preceding section, (which had previously been collected on behalf of government,) together with the article of nuzeranah and russoom khazanah, &c. were abolished, in the course of the arrangement of the settlement of this year, together with the farm of the manufacture of the earth called sujee, which had before been let on lease by the rajah's officers.

Engagements of the aumils for 1196 Fussily, founded on the preceding rules and principles;

VIII. *First.* A new form of cubbooleat was at the same time ordered to be taken from all the aumils, in which the doul of the canoongoes, and the deductions made therefrom on account of lands exempted from the payment of revenue, and the form of the new pottah for the ryots, were inserted. The aumils bound themselves to perform and abide by the several stipulations and prescriptions therein contained, as fundamental conditions of the settlement. They likewise engaged not to demand from the ryots any abwaub established since 1187; nor any abwaub for the canoongoes allowances, or the banker's half of the bhuray, the latter article consisting, as specified in section VI, of an allowance to the aumil to pay the charges of the banker through whom he made his remittances to the treasury. Both of these articles, viz. the cess hitherto levied from the ryots for the canoongoes allowances, and the half bhuray in question, (the other moiety of the latter of which articles was relinquished by government as specified in section VII,) were abolished, and struck out of the settlement. It was at the same time provided, that the canoongoes should be paid by government from the collections, whilst the amount of the banker's portion of the bhuray, was granted as a deduction to the aumil, from the tushkhees or funds stated in the doul or estimate of the canoongoes, on which the agreement of the aumil with government was founded. On these principles, a general settlement of the zemindarry was made on leases partly for one, and partly for five years, in the proportion of nearly one third for the former, and of two thirds for the latter term.

and settlement thereon made for the term of five and one year.

(a) The aumils, or tehseeldars in the province of Benares, appointed since the enactment of R. 21, of 1806, receive a fixed personal allowance as receivers of the public revenue from government, besides the amount of the expense of the establishment which they entertain in that capacity. See the provisions of that regulation.

Second.

Rule regarding hukul tehseel in case of change of farmers in the course of the year.

Second. On the 12th of February 1789, a rule was published for determining the hukul tehseel, or commission on the collections made by farmers of villages relinquishing their engagements before the close of the year. This rule directed, that if the jumma payable by any such farmer to government, did not exceed five thousand rupees per annum, he should not be entitled to, or receive, any such commission, but be held accountable to his successor for the full amount which he had realized, or, where he was not succeeded by any new farmer, to the aumil; but that in the event of the annual jumma of such farmer exceeding five thousand rupees, he should be allowed a commission of five per cent by the aumil out of his own dehyek, (or the commission of ten per cent on the amount which he contracted to pay to government,) so as in either case, to prevent the ryots from suffering by the change of village farmers, whose repeated intermediate commissions, had often been levied from them, by way of cess above their appointed foteh or rent, under the former native administrations in the zemindarry.

Subsidiary rules for the mofussil settlements.

IX. *First.* For the guidance of the aumils in forming their mofussil settlements, (which took place from the beginning of the Fussily year 1196, the following orders were issued on the 14th of June 1789, respecting the interior arrangements, to be adopted from the commencement of the second year of the term of the leases for five years.

Reinstatement of the village zemindars.

Second. That the villages and lands should be let by the aumils to the zemindars, or hereditary landholders, and not to mere farmers, (excepting where no hereditary landholders remained,) on the douls or estimates of the revenue assets in each person's share in the lands let on a five years lease, for the remaining four years thereof; but that where the hereditary zemindars refused to engage, and give security for the payment of the amount of the canoongoes doul, their lands should be rented for the same term to farmers, and that the pottahs to be given according to the prescribed form, should contain the full amount to be paid on all accounts to the aumils, without any reservation of a separate nuzerannah, or other demand.

Rule prohibiting the re-admission of dispossessed aymadars.

Third. During the administration of the nawaub vizier, a sequestration was made of sundry ayma villages, several of the proprietors of which had obtained money assignments, and pensions in lieu thereof, one of which pensions also was afterwards resumed during his excellency's government. In consideration of the long period which had elapsed since the dispossession of these aymadars, it was declared that if any of them should prefer claims to be restored to the lands which they before occupied, under their former grants, such claims would not be attended to or admitted.

Reasons for concluding a permanent settlement.

X. The settlement as made in 1196, for the periods of one year and for five years, was approved of by the Governor General in Council, on the 17th of June 1789. The resident was at the same time directed to endeavour to introduce into Benares, the system proposed for the permanent settlement of the province of Behar; having for its object, the ascertaining and limitting the demand of government, and securing to its subjects in perpetuity, the quiet enjoyment of the fruits of their industry. The arrangements which had been adopted in Benares, were obviously inadequate for that purpose. The amount of the revenue realizable by the aumils from the ryots and under farmers, varied agreeably to the extent of the actual cultivation; and accordingly, the produce of the lands not being ascertainable until the rebby or second crop had ripened, the aumils collected in the mean time from their under-renters, (whether village zemindars or farmers,) on account, until the arrival of the season for forming an estimate of the produce of the whole year, when the zemindars or farmers entered into cubbooleats for the year. This mode of collection was productive of many disputes. When it appeared to the aumil, that his under farmers were unwilling to pay to him an adequate consideration for their farms, he of course became desirous of dispossessing them, and of either letting the farms to others, or of collecting the rents himself immediately from the ryots. This system tended to dis-

Source of dispute between the aumils and village renters, under the former system.

courage agriculture, at the same time that it operated a source of constant altercation between the aumils and the various competitors for village tenures; and consequently rendered it desirable to conclude separate mofussil settlements, formed under the sanction of government, for each talooka and mozah, or village, throughout the country, paying revenue to government.

Plan for forming the quarternial and decennial mofussil assessment.

XI. On the receipt of the orders of the Governor General in Council, of the 17th of June 1789, the resident issued instructions to the aumils and canoongoes, to proceed in the mofussil settlement, declaring it however subject to his revision and confirmation, as he had determined when the rebby or second crop should have been sown, to form an estimate of the revenue funds in each village, payable by the zemindars and farmers respectively, and to fix it for the four unexpired years of the five years leases of the aumils, wherever those leases extended. This revision was appointed to take place in each purgunnah, in order that after the mofussil settlements for four years, beginning from 1197, should have been approved, it might be declared permanent for the same term as the settlement to be made for the period of ten years, throughout that portion of the district which was let on only an annual lease. This last part of the arrangement was to be executed more immediately under the personal inspection of the resident, on nearly the same general principles as had been prescribed by government for the settlement of the province of Behar. On these preparatory measures being communicated to the Governor General in Council, it was resolved, that a settlement of the zemindarry of Benares should be formed for a period of ten years, agreeably to his resolutions of the 20th May, and 18th of Septem ber, 1789, regarding the settlement of the province of Behar.

Respecting village zemindars dispossessed previous to the Fussily year 1182. (A. D. 1775).

XII. A material deviation however was unavoidably made from these resolutions. For rajah Mahipnarain at that time declining, (although he subsequently acquiesced in the measure, as specified in Regulation I, 1795,) to consent to the restoration of the numerous class of village zemindars, who had been dispossessed, and reduced to the situation of cultivating ryots, during the administrations of the rajahs Bulwunt Sing and Cheyte Sing, it became necessary to exclude from the benefit of the rights to be conferred by this decennial settlement, all those landholders who had been so dispossessed and reduced before the 1st of July 1775, (1182 Fussily,) the date of the final transfer of the sovereignty of Benares to the Company.

Rules for forming the permanent settlement.

XIII. For the purpose of forming this permanent settlement, the resident and his assistants, proceeded in November 1789, on different circuits, throughout the four sircars composing the zemindarry of Benares, their object being, in respect to the quarternial mofussil settlements, to examine and revise the assessment, as proposed by the aumils and canoongoes on the ground of the assul and abwaub up to the year 1187; and to correct such errors as should appear to have been made, either in the exclusion of persons entitled to be considered as zemindars, (consistently with the rule of exclusion, specified in section XII,) or in the allotment of the jumma, in the constituent parts of the total of the assessment of each district. This allotment was to be regulated, (as well in regard to the quarternial as the decennial settlements,) as nearly as might be ascertainable, according to the ability of the respective villages, or puttees, (or shares or sub-divisions of villages,) so as to admit of the zemindars and farmers realizing the revenue assessed in conformity to the revenue rates of 1187; and where a large proportion of the land remained waste and uncultivated, a gradual and moderate russud or increase, for the few first years of the term of the general leases was to be assessed, in consideration of the right of government to some share in the advantages accruing to the renter, by bringing the land into cultivation. It was farther provided, that the article of spirituous liquors, and the tax upon shopkeepers, dealers, and weavers, comprehended under the denominations of abkarry, ghur dewary, and khergui, should be separated from the collections of the renters, and realized by the aumils of the respective districts, as far as those articles separately existed, but without attempting to extend them.

Russuds.

Articles of abkarry and ghur dewary, and khergui, left amauny, and reserved to the future disposal of government.

XIV.

How the deeds for the settlement were issued and authenticated.

XIV. *First.* In the manner above described, and with the assistance of the accounts of the tushkees for the preceding ten years, and such other accounts and local information as could be obtained through the canoongoes or otherwise, the mofussil settlements for four and ten years were concluded. The pottahs for the settlements for four years, were issued under the seals of the aumils, and numbered and countersigned in English by the resident or his assistants; and those for the settlements for ten years, were authenticated by the signatures of the rajah and the resident. The cubhooleats or engagements entered into by the village zemindars and farmers on the formation of the permanent settlement, bound them to an observance of the following articles.

Engagements of the malguzars on the conclusion of the permanent settlement.

Lands and property liable to be sold for balances.

Second. To pay the stipulated annual revenue punctually from the month of Koar, (October) to Jeyte, (June) in each year; and agreeing in case of failure, that their property, real and personal, should be sold to make good the deficiency.

Rule respecting lakheraje lands, or lands held exempt from the payment of revenue.

Third. Not to attach, without the sanction of government, any maafy, mujray, kishnarpun, or other description of lakheraje land in the possession of individuals, and held by them exempt from the payment of revenue, up to the end of the Fussily year 1195; and agreeing in the event of government's resuming any part of such exempted lands, to pay the revenue assessable thereon, in addition to the jumma fixed by their engagements, and stipulating not to make any new grants of exempted lands, on pain of such lands being confiscated to government, and of double the revenue assessable thereon being levied from the grantee or grantees, for the period during which such grantee or grantees should have continued in possession.

General rule for the collections.

Fourth. To collect from the ryots according to the hookumnamas or regulations of the 25th of June and 1st of July 1788, referred to in sections III and IV.

Receipts.

Fifth. To grant receipts to the ryots for their payments, under the penalty of a fine of double the amount, to be awarded to any ryot who should prove that he had been refused such receipt.

Registry of the canoongoes.

Sixth. To support the canoongoes in the full exercise of their functions. *(b)*

Prohibition as to the sayrjehaut, and the house tax, and that on spirituous liquors.

Seventh. Not to levy or receive any of the articles of the abolished sayrjehaut, nor any sum on account of khaneh shoomary, (another term for the ghur dewary or house tax,) or abkarry or distilleries, the collection of the two last mentioned articles, (as specified in section XIII,) having been separated from the general settlement, and committed on behalf of government, to the aumils. The penalty for breach of this article was fixed at three times the amount that might be illicitly collected.

Responsibility in respect to thefts and robberies and to breaches of the peace.

Eighth. To be responsible, subordinately to the aumil, for the maintenance of the peace, and for apprehending all disturbers thereof, in and throughout their respective estates and farms; not to harbor thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or, in failure thereof, to be answerable for, and to make good the value of, all property robbed or stolen within their respective limits. *(c)*

Broils, affrays, and murders.

Ninth. To send in for trial, accompanied by an attested report of the circumstances of the case, all parties concerned in broils, affrays, murders, or other breaches of the peace.

To obey summonses.

Tenth. To obey all summonses or orders issued on the part of government, on pain of incurring forfeiture of property, as for rebellion.

Authority of the aumil as tehseeldar or collector,

XV. *First.* On the conclusion of this permanent settlement, new engagements were also entered into with the aumils. By these engagements, their office was de-

(b) See R. 4, of 1803, for the appointment and administration of the office of canoongoe in the province of Benares.

(c) The system of police which prevailed in the province of Benares when this regulation was passed, has been abolished by R. 14, of 1807, by which the police of that province is vested, subject to the control of the zillah and city magistrates, in the officers who may be appointed to the charge of it on the part of government, and subordinately to them in the landholders and farmers of land.

clared

clared to be that of hakim or magistrate, and tehseeldar, or collector of the revenue ascertained by the pottahs issued to the village zemindars and farmers to be payable from their several aumildarries; and they rendered themselves responsible for the regular realizing the amount of this revenue, and bound themselves to abstain from levying any excess on their own account; to enforce the several stipulations with the landholders and farmers as set forth in section XIV; and to cause the village zemindars to issue pottahs to their ryots in conformity to the regulation of the 25th of June 1788. They were also vested with a discretionary authority to diminish, or to admit to be lowered, the revenue rates of 1187 Fussily, where the exaction of them might be found, under the actual circumstances of any part of the district, to operate to the oppression or distress of the present cultivators; but they were at the same time prohibited from enhancing the rates of the said year 1187, under any pretence whatsoever. They were further required to grant receipts for all payments of revenue made to them, on pain of being subject for refusal or omission, to such fine as the resident should think it proper to impose; to regulate the rates of tullubana leviable on parties in arrear, by the custom of the pu gunnah, and to account for and pay the sum realized under this head to government; and to refrain from the collection of any part of the sayer or gunge tolls or duties, under the same penalty for disobedience, as the village zemindars and farmers are declared liable to in similar cases, as specified in clause seventh, section XIV. They were also declared personally responsible to government in the first instance, in regard to the maintenance of the peace, and thefts and robberies committed within their respective aumildarries, under the rules prescribed in similar cases with respect to the zemindars and farmers in clause eighth, section XIV, with a right however to have recourse for their own indemnification, to the landholder or farmer, within whose limits the theft or robbery might occur.

and hakim or magistrate; His responsibility in respect to the collection of the revenue assessed according to the settlement, and not making further collections.

To carry into execution the stipulations with the village zemindars and farmers, and to cause pottahs to be issued to the ryots.

Revenue rates of 1187; may be lowered but not enhanced.

Receipts.

Tullubana.

Abolished sayer and gunge duties.

Responsibility in regard to theft and robberies, and breaches of the peace.

Second. In their capacities of hakims or magistrates, the aumils were instructed to apprehend and send in for trial, accompanied by the necessary information and evidence, all persons committing breaches of the peace; and in concert with the canoongoes, to enquire into, and to decide, (subject to an appeal to the resident, should either of the parties desire it,) according to the principles of the regulations of the 25th of June 1788, all complaints preferred to them regarding differences occurring between the zemindars, farmers, and ryots, relative to the malguzarry or revenue, with authority to refer, with the consent of the parties, other causes of a civil nature respecting cast, marriage, shares in land, and debts, to be determined by arbitration; or, where both parties should not consent to this mode of adjustment, to desire them to repair to and institute their suits in the moolky dewanny adawlut, or provincial civil court established at Benares; to all orders and decrees issued from which, or from any other court of justice, or from the rajah or the resident, the aumils were required and agreed, on pain of dismission, to yield the most prompt obedience.

To apprehend disturbers of the peace.

Third. It having afterwards appeared, that in several instances, the aumils had clandestinely availed themselves of their authority to procure deeds of conveyance in their own names or those of their relations, for lands the property of persons in arrears on account of the revenue, and whose balances had been thereby either wholly or partially liquidated; a rule was published on the 19th of September 1794, prohibiting and declaring null and void, all such conveyances that might be made in future; and on the 31st of October following, a further rule was passed giving to all persons who might have thus disposed of their lands, or to their heirs, or putteedars, the option of suing for the recovery of them in a court of justice, at any time within five years from the date of such conveyances; and the parties so prosecuting were declared entitled to have the conveyances annulled, and to regain possession of the property, on repaying to the purchasing aumil or his heirs, the purchase money, with simple interest.

Rule in respect to lands conveyed to aumils in liquidation of balances.

XVI.

Rules for the confirmation or establishment of the rights of the zemindars and other landholders.

XVI. *First.* The adjustment of the disputed claims to lands, formed one of the principal difficulties which occurred in the progress of the settlement. In many instances, contests existed between the putteedars or sharers in the same village, as to their respective proportions, or between claimants of different families to the same villages. In all these cases, it was observed as a general rule to confirm or admit those zemindars, who were either in the actual occupancy, or who had at any time been known to have had possession since the final transfer of Benares to the Company in 1775, (the zemindars dispossessed before which period, the Governor General in Council, on the 11th April 1788, determined should not be restored, in compliance with the objections which the rajah then entertained to their restoration, but which he subsequently relinquished as stated in section XII;) leaving those who might think themselves entitled to reinstatement under this rule to seek redress in the moolky adawlut. But as it became necessary during the progress of the settlement, to pass orders, in a summary way, on disputes of this nature, it was explained to all parties, that the new pottahs were meant only to fix the rental, and in no wise to constitute a bar to the recovery of any proprietary right in land, for which suits might be instituted in the court of justice above mentioned, in the same manner as if no such pottahs had been granted. Instructions to this effect were issued to the judge of the court, and separate engagements were taken from all the present pottah-holders, whether zemindars or farmers, binding them to a ready attendance on, and submission to, the judicial authority of the said court, and the court of appeal, in respect to all such causes; and the aumils were prohibited from making alterations in the pottahs, excepting in conformity to judgments passed in both or either of those courts. The settlement thus concluded, consisted of engagements with zemindars for about eight twelfths of the whole country; of leases to farmers for about three twelfths; whilst the remaining twelfth, continued amauny, in consequence of there being found for the places included in the last mentioned portion, neither zemindars nor farmers; so that the aumils collected the public dues immediately from the ryots.

In what proportion the settlement was concluded with zemindars and farmers.

Rule for the adjustment of accounts between zemindars recovering possession from farmers.

Second. Pursuant to the principles prescribed for this quarternial and decennial settlement, sundry village farmers having been removed during the progress of it, by the re-instatement of the rightful zemindars, a rule was published on the 21st of February 1790, for adjusting the accounts of the wassilaut or current year's collections between such parties. By this rule, the displaced farmers were entitled to credit for the amount of whatever tuccavy, (money for the purchase of seed,) they might establish to have advanced to the ryots; together with a commission of three per cent (whatever might be the extent of the farm) on the amount of the revenue realized. The amount of this charge was to be borne altogether by the reinstated zemindar, without his being entitled to make any demand on that account from his ryots, who were only to repay to him the amount of the tuccavy that had been really advanced to them by the removed farmer. But such farmer was not to be allowed credit for the amount of any bonds or engagements executed by ryots for sums stated to be advanced for tuccavy, but which should in reality have been taken from them for the balances of former years, which were thence virtually declared irrecoverable.

Description of a zemindarry under the permanent settlement, and of the joint putteedarry tenures therein comprehended, with the difference in respect to the latter as being either distinct, or remaining annexed and blended or in common.

XVII. *First.* The landholders in the zemindarry of Benares consist for the most part of village zemindars, paying the revenue of their lands to government, jointly with one or more putteedars or partners, descended from the same common stock. Some of these putteedars have had their interior puttees or shares rendered distinct; whilst those of the major part, still continue annexed to, and blended or in common with, the share or shares of the principal of the family, or of the head men amongst the brethren, being either one or more, whose names have been usually inserted in the pottahs, cubbooleats, and other engagements for the public revenue. With the general consent of the inferior putteedars, this mode was adhered to in the aforesaid settlement, leaving an option to such putteedars as might then or afterwards think themselves aggrieved, or be desirous of separating from their brethren, to prosecute

for

for that purpose in the adawlut. By this mode of procedure, they may obtain a separation of their family share of the estate, and procure a separate pottah subject to the payment of a proportionate part of the jumma assessed on the joint estate; but in the mean time, those of the brethren whose names stand inserted in the government's pottah, are held and considered to be immediately responsible through the aumils to government for the whole of that jumma. The only exception to this general rule, exists in the purgunnah of Kurrendeh, where the decennial settlement could only be concluded by a considerable number of these zemindars being admitted to enter into cubbooleats, in which they themselves agreed to the nomination of certain persons to act on their joint parts, under the description of serberakars or managers. This expedient was acquiesced in under the condition that the responsibility of the zemindars should remain undiminished, and that they might, whenever they pleased, dismiss these agents, after adjusting accounts with and satisfying them, as to any balance that might be justly due to them.

Serberakars or managers, in the purgunnah of Kurrendeh.

Second. There are also many talookdarries within the four circars composing the zemindarry of Benares, which have depending on them, a greater or less number of village zemindars, many of whom still retain the right of disposing by sale of their own estates, subject of course to the payment of the usual jumma to the talookdar, and to the conditions specified in clause ninth, section XXXV, regulation XXII, 1795. The settlement of government has been concluded (on the same principles as are prescribed respecting the zemindarries,) with these talookdars, who are left to assess their village zemindars, either in proportion to their own sudder jumma, with some addition for charges of management, or, according to the extent and value of the produce, as local custom, or the good will of the parties may direct.

Talookdarry tenures in Benares.

Third. The circumstances of the purgunnah of Agowrie Burhur in the circar of Chunar, constitute in some degree a deviation from the rule observed in the general settlement. This purgunnah appertained to its separate rajahs, until they were expelled by rajah Bulwunt Sing. Their descendants appearing, and having performed some public services in 1781, government ordered that rajah Adil Sah, their then representative, should be restored. This order appearing afterwards to be repugnant to the principle of the general settlement concluded with the rajah Mahipnarain Sing, the tenure of the family of Adil Sah, was, by an order of government under date the 11th of April 1788, limitted to the period of his natural life, during which the interior settlement of the purgunnah, was, with his consent, and under his seal and the resident's signature, made with the talookdars and zemindars, most of whom were of his own blood and lineage; or with the birteeas, being the persons on whom his ancestors had conferred grants of lands; or with gherrooas, being such persons, as he or his ancestors had put in possession of lands on mortgage. These several descriptions of landholders, are considered as having a permanent interest in their tenures, which have therefore been included in the general account of the settlements concluded with zemindars. The remainder of the purgunnah has been let to farmers, on the conditions common to the rest of the four circars. Rajah Adil Sah subsequently dying, government, with the acquiescence of rajah Mahipnarain, permitted his heirs, to succeed him in the purgunnah, in the permanent settlement of which, however, they are restricted from making any alterations or innovations equally with the other aumils or tehseeldars.

Particular circumstances of the purgunnah of Burhur Agowrie;

Fourth. The purgunnah of Beleeah in the circar of Ghazeepoor, is similarly circumstanced, as to the expulsion of its rajahs by rajah Bulwunt Sing, and the intended restoration of Bhowayel Deo, their present representative. But his reinstatement having never taken place, he is allowed to live in the purgunnah, on a pension, which he receives from government; and the settlement has been made with such of his family, and of those rajahs of Beleeah, who preceded it, as could make out pretensions to permanent tenures or estates; and where such pretensions could not be

[o]f the purgunnah of Beleeah in the circar of Ghazeepoor;

established,

established, or were not preferred, the settlement has taken place with the mokuddums, or those of the principal ryots who had long paid the revenue of their present tenures, being the villages of which they are inhabitants; it being meant that these mokuddumy tenures should be considered equally permanent, and be liable to the same conditions as those of the zemindars: and where neither of these descriptions of persons, could be found, the villages were let to farmers, excepting such part of them as for want of farmers, remained amauny.

And of the talooka of Mujehwa in the purgunnah of Kuswar or Gungapoor;

Fifth. The zemindarry part of the talooka of Mujehwa in the purgunnah of Kuswar and circar of Benares, has been let out in separate portions, under the seal of Phelwaun Sing, (the principal talookdar, and who was acting at the same time as aumil and collector on the part of government,) and the confirmatory signature of the resident, or of his assistant, to Phelwaun Sing himself, and his relations; he being subject to the same restrictions with regard to making alterations in the settlement without the sanction of government, as are imposed on the heirs of raja Adil Sah in the purgunnah of Burhur Agowrie, as specified in clause third.

and of the talooka of Kernadanry in the same purgunnah.

Sixth. In the settlement of Kernadanry in the purgunnah of Kuswar or Gungapoor, there is this peculiarity, that after the conclusion of it, rajah Mahipnarain objecting to pottahs being granted by the resident to the parties with whom it was made, on the ground that the talooka in question formed part of his family zemindarry of Gungapoor; it was in consequence settled between the rajah and the resident in October 1794, that although in consideration of the rajah's objections, the malguzars of this talooka of Kernadanry, should not receive pottahs from government, in exchange for the cubooleats they had entered into, the rajah, (who is their tehseeldar or collector,) should not dispossess any of them without the sanction of the officers of government, and in the event of complaints for exaction, that the case should be open to the same mode of inquiry, as is established for similar complaints arising in the malguzarry lands in general; so as to continue the abovementioned talooka in this respect distinct from the neej or family zemindarry lands of the rajah. These family lands consist of the jaghires of Budhoee, and of Kera Mungrore, and of the rajah's part of the purgunnah of Kuswar or Gungapoor, inclusive of the talooka of Kerowna; and in consequence of objections offered by the rajah, no mofussil or interior settlement has been made in them bythe authority of government; and the administration of justice in all matters relating to their revenue, is specially provided for in regulation XV, 1795.

As to the purgunnah of Lucknesr.

Seventh. The purgunnah of Lucknesr, in the circar of Ghazeepoor, is inhabited by a race of Raujepoots, distinguished by the appellation of singhers, who pay a moderate fixed revenue, (which they assess amongst themselves,) to the tehseeldar or native collector stationed with them on the part of government, whose allowances they separately defray; and as neither the native nor the British government, had interfered with the interior assessment of this purgunnah, it was not included in the general arrangements that took place at the period of the quarternial and decennial settlements.

Peishcushy villages in the circar of Juanpoor.

Eighth. In the purgunnah of Juanpoor proper, and in that division of this circar called the Buksheeat, there are a certain number of villages held by mahomedans, in virtue of altumgha, muddud maush, or jaghire grants, from the emperor, or from the soubahdars of Oude, but on which a peishcush by way of quit-rent, was established during the administration of the native government. These peishcushy tenures were continued at the period of the permanent settlement.

Singrowlee.

Ninth. That part of the tract of country called Singrowlee, situated to the southward of the Soane river, which extends as far as the Belea rivulet, is tributary to the zemindarry of Benares, whilst the tract of the same district that lies beyond the Belea, pays tribute to the independent rajah of Burdee.

XVIII.

Salt farms.

XVIII. The districts in the circar of Juanpoor, in which salt is produced and manufactured, were let in farm either inclusive of the land revenue, or separately.

Provision made for the pottahdars becoming huzoory in case of oppression on the part of the aumil.

XIX. In consideration of the habits prevalent amongst the newly restored body of zemindars on their first reinstatement, it was thought advisable to continue them, at least for a period, under the superintendency of the aumil of government, both in respect to the police, and the payment of the revenue. But at the same time to provide against exactions being made from them by the aumils, it was, in addition to the penalty specified in section II, declared a rule, that all persons holding pottahs of government who might prove any oppression against their respective aumils, should thereupon have the option of becoming huzoory, that is, to pay their own revenue directly to the public treasury, without the intervention in any shape of the agency of the aumil.

Government's confirmation of the settlement for the period of the lives of the pottah holders, and abolishing of the tax on weavers.

XX. The settlement thus concluded, was confirmed by government, and extended to the lives of all the pottahdars, by an order of the Governor General in Council under date the 11th of February 1791, with the exception of the part of the ghur dewarry tax, described in section XIII, levied from the weavers under the denomination of khergui, which was abolished.

Qualifications in respect the rule for abolishing of agore-betay.

XXI. The enforcement of the prohibition in section II, against agore-betay, having met with some opposition from certain brahmins and atteets, the government's share of whose crops had always been ascertained in that mode, and who declared their intention of committing violence on themselves, if it was not adhered to with regard to them; the resident, on the 17th of January 1789, issued a publication disapproving of the conduct of these brahmins and atteets, and apprizing them that the regulations would be enforced. But the practice of agore-betay having prevailed only in a small portion of the country, and consequently there being little probability of many similar instances of opposition occurring, the resident thought it advisable to accompany this publication with an order to the aumils, authorizing and enjoining them not to insist on receiving a money rent from such of the abovementioned brahmins and atteets as should so persevere in their objections, but to continue the practice of agore-betay with regard to them, until they should consent to the payment of a money rent, as well as to the rate of the rent. This order was sanctioned by government.

Resident's proceedings from the beginning of 1202 or 1794-5, towards restoring the defective parts of the permanent settlements.

XXII. The first period of the quarternial settlement having expired with the Fussily year 1200, several farmers and some of the landholders, not choosing to avail themselves of the privilege of retaining their leases during their lives, as granted to them by the order of government of the 11th of February 1791, the lands which they held consequently became amauny. The death of renters, the abuses occasionally practised by the aumils, and the over-assessment of some places, had occasioned vacancies in other tenures, during the several years that had elapsed since the conclusion of the general settlement. In consequence of instructions from government under date the 19th of September 1794, the resident proceeded to re-adjust the settlement of the lands which had been included in these leases, by restoring such of the renters as appeared to have been unduly dispossessed; by admitting the heirs of parties deceased; or reinstating the ancient zemindars, both in lands relinquished by farmers, or which had remained amauny in the hands of the aumils; and finally, by adopting means to improve the cultivation preparatory to issuing new permanent leases (which were accordingly granted,) to the landholders and farmers in the purgunnahs of Nerwun, Dhoos, and Chownsa, the settlements made in which places in 1197, had in general failed, owing to the lands being too highly assessed, and to drought, and other calamities of season. The settlement of suktes ghur, also being in a similar predicament, was renewed by the resident in the month of October 1792; and the experience of several years having evinced that some part of the purgunnah of Zemanea, in the circar of Ghazeepoor, had been too highly assessed, adequate abatements were in consequence allowed.

New settlement made in the purgunnahs of Nerwun, Dhoos, and Chownsa, and in the tuppeh of Suktes Ghur; and that of Zemanea corrected.

XXIII.

Aumils prohibited from dispossessing the pottah-holders; and canoongoes directed to report the names of all deceased persons of this class.

XXIII. In the beginning of the Fussily year 1202, a circular order, under date the 1st of November 1794, was issued to all the aumils, prohibiting them under penalty of dismission from their aumildarries, from displacing or dispossessing any person holding a pottah from government, without the assent of the resident; and on the 20th of July 1795, circular instructions were transmitted to the canoongoes, enjoining them to report without delay, the death of all such pottah-holders, that no lands might remain amanny under the aumils, without the knowledge of government.

Option of becoming huzoory, that is of paying their revenue directly to government, extended generally to all the land and lease-holders.

XXIV. In section XIX, it has been stated, that it was an original regulation of the general settlement concluded in 1197, that proof of the aumil having made undue exactions from, or otherwise oppressed, any of the landholders or farmers holding pottahs, and paying revenue to government, should entitle such injured party of parties to become huzoory, i. e. to pay their revenue into the treasury at Benares, instead of through the medium of the aumil. But for the more effectual protection and security of such pottah-holders, an option of thus becoming huzoory, was given from the beginning of the Fussily year 1202, by a publication issued under date the 3d of October 1794, *to all such pottah-holders as should previously enter into the required maal, fuel, and hazer zaminee, or security for the punctual discharge of their revenue, for their peaceable deportment, and for their appearance whenever their attendance may be required.*

Encouragement held out to become huzoory.

To enable them to procure these securities, they were allowed by the publication, one moiety of the aumil's dehyek and bhurray, on the amount of the revenue payable by them. (d) This publication was sanctioned by the Governor General in Council under date the 19th of September 1794; but from the operation of it were excepted the lands under the rajah and his family, comprehending not only the places specified in clause sixth, section XVII, but those also of which he holds the aumildarry or collectorship,

Exception to this rule, in respect to the rajah's aumildary districts.

viz. the purgunnah of Ralhoopoor, and the talooka of Jahloopoor, and those villages in the vicinity of Benares called the dehaat amanut. But in case of oppression proved, the pottahdars of these last mentioned places, and of all other mohals under the rajah, in which the settlement has been made by government, are entitled in virtue of the original rule contained in section XIX, to become huzoory. The difference therefore between these aumildarry mahals under the rajah, and the rest of the country at large, consists in it not being merely optional with the pottahdars, to separate from him under the publication above specified in this section. As to the administration of justice in these aumildarry mohals under the rajah, the jurisdiction of the courts of judicature extends over them in common with the country at large, and consequently they do not form a part of the rajah's neej or family lands, the administration of justice in which is provided for by regulation XV, 1795.

Qualification of this exception.

Regulation relative to disputes between putteedars.

XXV. For determining questions concerning lands between putteedars or brethren, and partners, inheriting and being, or pretending to be, entitled to joint or distinct proportions of one zemindarry, it has been observed as a general rule since the conclusion of the permanent settlement, to consider as superior, and immediately responsible to government, the person or persons amongst such putteedars, in whose name or names the government's pottah has been made out, and to continue the other putteedars, or partners, in such situation as they shall have stood in, since the Fussily year 1197, leaving them if dissatisfied with such order, to prosecute in the adawlut for any further claims.

Practice in respect to the stipulations in section XIV, for recovering balances by the sale of the lands of defaulting proprietors.

XXVI. The right of government to dispose of landed property at public sale for the recovery of balances of revenue, is established by the tenor of the engagements of the zemindars, as noticed in clause second, section XIV; but in consideration of the local usages in that respect in the province of Benares, no such sales have hitherto taken place.

(d) Rescinded by R. 7, of 1807, S. 2. The security here mentioned is not now taken, nor the allowances of dehyek and bhurray consequently given.

XXVII.

XXVII. At the period of the settlement concluded in 1197 Fussily, the aumils pledged themselves in writing, and on the faith of their religion, to collect only according to the jumma specified in the pottahs issued to the talookdars and village zemindars and farmers, and to pay in the whole amount thereof to government, after deducting the dehyek, and half bhuray. But there then were, and have since remained, several spots of ground and mozahs or villages, of which no fixed settlement having been made, the collection of the amount of the tushkees or ascertained funds which the canoongoes estimated to be realizable therefrom, was intrusted to the aumils. These funds had of course varied during the period that had elapsed since the conclusion of the settlement; and several of the aumils on the expiration of their five years leases at the close of the year 1200, claimed and received deductions from government for alleged deficiencies in the funds of those amauny villages; whilst on the other hand, where the actual funds had exceeded the estimated receipts, it was presumable that the aumils or their officers had appropriated the surplus. From these considerations, and as the funds in the amauny or kham villages appertained altogether to government, (the aumils being entitled only to their dehyek and bhuray.) the resident on the 12th of January 1795, published an order, that from the beginning of the Fussily year 1202, the tushkees of the amauny or kham or cutcha villages, in every purgunnah, was to be ascertained by aumeens, or other persons empowered for that purpose, on the part of government, and that the amount of the funds, after deducting the dehyek and bhuray, was to be paid by the aumils to government. Aumeens were accordingly deputed on the abovementioned date to ascertain the state of these lands, with instructions to summon the putwarries of every village, and in the presence of the canoongoes, and of the officers of the aumil, to ascertain the tushkees or assessable amount on each village and spot, then held amauny, in conformity to the rye or rates of 1187; and afterwards to prepare and bring with them, the state of the jummabundy of each village under the attestations of the canoongoes, and the signatures of the putwarries and the counter signatures of the officers of the aumils, that the payments of the aumils to government might be regulated accordingly. The aumeens were likewise instructed, that if, in the course of their inquiries, it should appear, that any of the aumils had granted pottahs to their dependents, in any of these amauny lands, at lower rates than those of the purgunnah or division in which they might be situated, such pottahs so granted by them were to be declared null and void, the aumils not having been enpowered to dispose of any part of the revenue funds, but since the settlement in 1197, having been merely tehseeldaran-neshandar, or responsible collectors.

Regulations in respect to the future periodical ascertainment of the value of the lands remaining amauny.

Aumeens deputed to ascertain their present state.

Situation of the aumils as responsible tehseeldars or collectors.

XXVIII. Inconveniencies having been experienced, from the applications made to the resident for grants exempting from the payment of revenue, spots of ground in the vicinity of the city of Benares, on their being purchased by the native princes of India, or by wealthy natives, to convert into gardens or places of religious worship, the Governor General in Council determined on the 28th July 1794, that no such grants should be made by the resident without the sanction of government.

Rule in respect to applications to obtain grants of spots of ground in the vicinity of Benares exempted from the payment of revenue for temples and gardens.

REGULATION III.

A. D. 1795. REGULATION III. (e)

A REGULATION *for re-enacting with modifications and amendments, the rules for the collection of the customs in the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March 1795, corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

PREVIOUS to the cession of Benares to the Company, the customs on the export, import, and transit branches of the trade of that province, were in general collected on the weight of the goods. In the year 1773, an arrangement was made by government, by which certain exemptions from this mode of collection were prescribed with regard to some of the Company's staples. This arrangement remained in force until the 22d November 1781, when it was ordered, that chokies or custom houses for the collection of the customs, should be established at three places only, viz. Ghazeepore, Benares, and Mirzapoor, where the customs were directed to be levied on all goods, at the rate of five per cent on the valuation established in a book of rates then prepared for the purpose. On the 8th of April 1782, the duty was to be reduced to two and a half per cent on various articles of spicery, raw silk, and metals, imported; and by an amended code of regulations for the customs framed by government on the 21st of October 1784, this rate was ordered to be extended to silk, and silk piece goods. Some alterations were likewise made at this period in the book of rates, and all exactions under the denomination of toll, or duty, were prohibited. It was also ordered, that no part of the collections in the department of the customs should be let in farm, and the levying of double duties (viz. the former and the new duties) at Mirzapoor, and the exaction of duty on empty boats, were prohibited. The greater part however of the requisitions of the regulations of 1784, were as ill-attended to as the regulations of 1781, the inland custom house stations having continued, under the denomination of choora or sundries, equally numerous as before, and many of them having been farmed out agreeably to the former practice. Other interior tolls likewise, continued to be levied by the landholders, and farmers, and at the subordinate custom house stations throughout the country; and the prohibitions as to the collection of the double duties at Mirzapoor, and the exactions on empty boats, were altogether disregarded. The order for levying two and a half per cent on silk, was likewise disobeyed, excepting as it respected the article of raw silk imported or exported by the Sanassy and Irak merchants, who in consequence of the new duties operating as a burden on their trade, having discontinued to transport their goods by the way of Benares, the rajah's naib deemed it expedient to enter into an agreement with them, by which it was stipulated that they should pay two and a half per cent on raw silk, and five per cent on piece goods, to be calculated on the price inserted in the rowannah or pass of the custom house at Moorshedabad, and that the duties on their trade should be collected by a separate darogah or superintendent. On a consideration of these circumstances, the Governor General in Council, with a view to afford greater security to the merchants trading between Benares and the Company's dominions, resolved on the 26th December 1787, that rowannahs should in future be granted conformably to those issued in the provinces; that similar registers also should be kept by the rajah's officers; that the duty on all imports from Bengal or Behar, should be reduced to two and a half per cent; that the Benares rowannahs should be current in the Company's dominions and vice versa, for the price of the goods exported from each country; that the value of goods produced in and ex-

(e) The whole of this regulation is rescinded by R. 9, of 1810, S. 2.

ported

ported from the district of Benares should be ascertained by the invoices of the exporters; that the zemindarry and inland duties, and all other collections on merchandize, excepting those authorized by government, should be formally abolished, and that persons convicted of levying them should be subject to certain specified penalties; and, finally, that a court of justice, to be denominated the commercial court for the zemindarry of Benares, for taking cognizance of infringements of all regulations regarding the customs should be constituted, and presided in by the resident. The regulations for the collection of the customs founded on these resolutions, were directed to be in force from the 1st of April, 1788, and subsequent to the enaction of them, separate rules were passed for collecting the duties on the Decan trade at Mirzapore; a commercial treaty was concluded by the Governor General in Council with the Nawaub Vizier, and another commercial treaty was entered into by the Governor General in Council with the Rajah of Nepaul, the provisions in the former of which treaties, as far as they affected Benares, were ordered to take place from September 1788, and those in the latter, from April 1792; and in the last mentioned year, the export duty on goods, the growth or manufacture of the province of Benares, was reduced from five to two and a half per cent. The code of regulations for the collection of the customs, introduced on the 1st April 1788, having been considerably altered by these subsequent arrangements, and other orders passed regarding the department of the customs, and further alterations being rendered necessary in consequence of the separation of the judicial authority from the charge of the collection of the public revenues, the following modified and amended code of rules for the collection of the customs in the province of Benares, has been enacted.

II. Rowannahs or custom house passes, are to be granted under the established rules, from the four superior stations, or stations of collection, viz. Benares, Ghazeepore, Mirzapore, and Juanpore, according to the form prescribed by the regulations introduced on the 1st of April 1788.

At what stations rowannahs are to be granted.

III. The custom houses are to be open every day for the transaction of business, and every rowannah applied for in the course of each day, shall be issued during the following day. But no rowannah shall be granted excepting upon a written derkhast or application signed by the transporters, or their authorized agents, specifying the price, quality, and quantity of the goods; and that the exact weight of the goods may be known, compared with the weights in use in the province of Benares, the derkhast or application is to specify the number of rupees which form the seer, at the place where the goods were originally purchased by the immediate owner.

Rules for receiving derkhast and issuing rowannahs.

IV. Each rowannah is to have affixed to it, the seals of the Rajah, the darogah or collector, the mushriff or accountant, and the tevildar or cash-keeper, and to prevent any balances remaining due at the end of the year, the last mentioned officer is on no account to deliver out the rowannah until the duty be paid. Each of these officers is to have the custody of the public seal of his office, and the seal of the Rajah is to remain in charge of the darogah. The said officers are severally to affix the seals thus intrusted to them to each rowannah, subscribing also their respective signatures, and the darogah writing the words "mutlah shood" under the Rajah's seal. The proper authentications also are to be carefully observed with respect to the zemin or endorsements, and every rowannah is to be drawn out precisely in the same form. For neglect in any of these respects, the party offending is to be punishable by a fine not exceeding twenty rupees, to be levied by the collector for the first offence, and by dismission from office in case of his being guilty of a repetition of any such irregularity. The collector is to report every instance in which he may fine or dismiss any of the officers of the customs under this section, with the circumstances of the case, to the Board of Trade, for their information, and such orders as they may deem it advisable to issue on the subject.

How to be authenticated.

How neglect in the observance of official forms is to be punished.

V. A rowannah granted at any one custom house, shall be considered as current throughout the province during a period of six months for the same goods, and to exempt

For what period a rowannah is to remain in force.

exempt the goods from all molestation or detention further than may be requisite to enable the officers of any other custom house to ascertain whether the goods and the rowannah correspond. The detention of goods for this purpose shall never exceed one day, on pain of the darogah or officer causing their longer detention, being fined by the collector in a sum equal to the loss which may in consequence arise to the owner. The collector is to report every instance in which he may exercise the power above vested in him to the Board of Trade. If the owner or person having charge of the goods, shall not be satisfied with the collector's decision, he may decline to avail himself of it, and have recourse to the nearest court of justice, which is in such case to try the cause, and to award to the party such damages as may appear to it equitable on a consideration of the circumstances of the case. Such suits are to be defended by the vakeel of government according to the instructions he shall receive from the collector, but the damages awarded are to be defrayed by the officer by whom the injury may have been committed, who will of course have the option of appealing to the provincial court of appeal if he shall be dissatisfied with the decision of the zillah court.

How exchanged rowannahs are to be granted.

VI. In explanation of that part of section V, which directs that a rowannah shall be in force for six months, it is hereby provided, that should a merchant be desirous of keeping his goods for a better market, longer than the period for which the rowannah is current, he shall be entitled to an exchanged rowannah for six months longer, on oath being made by the owner to the identity of the goods, or satisfactory proof thereof being obtained, and the old rowannah being surrendered: or, should a merchant be desirous of dividing a dispatch into smaller parcels after having taken up a rowannah for the whole, he shall be entitled to as many rowannahs as he may require, on identifying the goods as above specified, and surrendering the old rowannah. But a merchant, after arriving at the place of his destination, shall on no account be entitled to a new rowannah duty free, on pretence of his having transported only a part of the dispatch under the original rowannah. On all exchanged rowannahs, the seal and name of the tehvildar are to be omitted, in lieu of which, the number and date of the original rowannah are to be inserted in the body of the exchanged rowannah, and the darogah is to cancel the old rowannah, by endorsing the date of the new one upon it, that it may not be again presented to be exchanged.

Manner in which a rowannah is to be applied for and taken out for goods at a distance.

VII. *First.* That the transportation of goods by land or by water may be attended with as little interruption as possible, the darogahs of each of the four stations of collection, on the receipt of the written application of the transporter, or of his authorized agent, are to collect the duty, and to issue the rowannah according to the specifications in the written application; but the goods are to be liable to be compared with the rowannah at the several subordinate stations, and at the stations of collection, and if found not conformable thereto, and to the written application for the rowannah delivered by the merchant at the time of his taking it out, the whole of the said dispatch shall be immediately transported to the nearest station of collection, and from thence by the darogah of that station, with a statement of the circumstances of the case, to the collector at Benares, where, upon proof of intention of fraud, the goods shall be liable to the penalties and forfeitures specified in the following section. It is to be understood however that the party in charge of the goods, is to be at liberty to apply to the courts of justice for redress against the order which may be passed by the collector, provided that such application be preferred within fourteen days after the date of the order.

Penalty for goods passing or attempting to pass by water any station of collection without taking out a rowannah,

Second. The duties on goods being moderate, and there being no difficulty in obtaining rowannahs, merchants importing or exporting goods, to or from the province of Benares, shall pay the duties either previous to, or on the arrival of their boats with goods opposite to either of the four stations of collection, and boats with goods stopped

in

in the attempt of passing either of the said stations, without the duties having been previously paid, and a rowannah taken out, shall pay double duties.

Third. The officers of every subordinate inland chokee or station, are to stop all goods proceeding by land, until the proprietors thereof shall have sent to the head station, and taken out a rowannah; and importers of goods passing, or stopped in the attempt of passing, any such subordinate inland station on the frontiers, without a rowannah having been taken out for them before their arrival at such subordinate station, or without the owner or person in charge of them, having stopped at such station, and sent to a head station, and taken out a rowannah, shall for such act, be subjected to the payment of double duties.

or by land.

Fourth. As it may be often convenient to persons transporting merchandise by the Ganges, to pay the amount of the duty chargeable thereon, at some one of the four head custom houses in preference to another, an option is accordingly left to them of paying the duties at whichever of the four head custom houses they may think proper, upon condition of their submitting their goods to inspection at the first head custom house which they may approach, and entering into a written engagement with the darogah thereof, to pay the duty at the head custom house at which they may be desirous of discharging it, to the darogah of which, the said engagement is accordingly to be in due time forwarded by the darogah to whom it may be executed.

Parties transporting goods by water may pay the duty thereon at either of the principal stations of collection.

VIII. To deter merchants, or others, applying for rowannahs, from giving in the names of goods of a different species, from, or of an inferior quality to, those which they intend to transport, or from exhibiting fabricated invoices, the darogahs of any of the stations of collection where such goods may pass, are authorized either on suspicion, or information, to order one bale or package to be opened in the public cutcherry, when, if any such fraud be discovered, the darogah shall forward the whole dispatch under a proper guard of peons to the collector, who, on the fact being proved, and where the goods do not exceed the quantity specified in the rowannah, one sixth of the whole, shall order double duties to be levied on the said excess; and where such difference is more than one sixth and not above one fourth, double duties shall be levied on all the said goods, including as well those covered by the rowannah as the surplus; and lastly, where the said surplus or excess shall exceed one quarter of the whole, the said goods shall be forfeited. It is to be understood however, that such double duties, and forfeitures, are to affect only the particular assortment of goods wherein such surplus may be found, and not the other sorts of goods covered under the rowannah; and that in every case wherein the collector is authorized under this section, to pass any order either for the exaction of double duties, or the confiscation of goods, an option is left to the owner, or the party or parties in charge thereof, of applying for relief against such order, to the nearest court of justice, which shall accordingly try the merits of the case, provided that such application be made within fourteen days after the passing of the collector's order. The collector is to be considered as defendant in the cause, and if either party shall be dissatisfied with the decision of the judge, they will be at liberty to appeal under the regulations for preferring appeals. The court to whom the party whose goods shall have been ordered by the collector to be confiscated, shall so apply within the prescribed period, may order the said goods to be restored to him, on his entering into good and sufficient security in a sum equal to the estimated value thereof, to abide by and perform all such orders and decisions as shall be passed in the suit which he may have so instituted.

Penalty for merchants exhibiting false manifests or fabricated invoices and taking out short rowannahs.

Collector's decisions in all cases of penalties and forfeitures revisable by the courts of justice.

IX. The Benares rowannahs have been rendered current in the provinces of Bengal, Behar and Orissa, and vice versa, for the price of the goods exported from each country. This rule will exempt the merchants from experiencing any delay in the valuation of their goods, when transported from one jurisdiction into the other, as the further or second duty in either jurisdiction, will be payable on the price or valuation

Benares rowannahs to regulate the duty, to be levied on its exports to Bengal, Behar, and Orissa, and vice versa.

ation of the goods as inserted in the rowannah under which they may have been first exported.

Articles free of duties.

X. *First.* Goods imported from Bengal, Behar, or Orissa, under maafy rowannahs, (rowannahs granted without the payment of any duty,) are to be allowed the same exemption in Benares, and vice versa, with this proviso, that all such rowannahs granted in Benares be authenticated by the collector's own signature, which is not required to rowannahs for goods charged with duties.

Salgram stones, &c

Second. Salgram stones are allowed to be imported, and the quarry stones from Chunar to be exported, free of duty; and cattle, horses, elephants, and all quadrupeds, are exempted from the payment of any import or export duty.

General rates of duty on imports and exports, and valuations on which such rates are to be calculated.

XI. *First.* With a view to promote the ease and advantage of the merchants, the book of rates framed in 1781, and amended in 1781, is no longer to be invariably considered as the rule for ascertaining the value of the merchandise on which the duty is to be levied, but the value of the goods, and the rate of duty, are to be ascertained and levied according to the following rules.

On imports from Bengal, Behar, and Orissa, for consumption in Benares, or for exportation into Oude, or to the Decan, or westward.

Second. On all goods imported under rowannahs from the provinces of Bengal, Behar, and Orissa, intended for exportation to the Decan, or to Oude, or any other of the western markets, or for internal consumption in the province of Benares, two and a half per cent is to be collected on the value of the goods, as specified in the rowannah granted in the said provinces.

On imports from Oude

Third. According to the commercial treaty concluded by the Governor General in Council with the Vizier in 1788, as far as regards Benares, no exemptions are to be claimed on either side; and the rowannahs are to specify the quantity and valuation of the goods, and the duties in each country are to be levied on the valuation which may be specified in the rowannah granted in the other, excepting that the valuation of cotton, imported through the Vizier's dominions, is to be six rupees per maund of ninety-six sicca rupees to the seer, and on this valuation, which will be specified in the Oude rowannah, a duty at the rate of two and a half per cent is to be levied. This rate of duty, is likewise fixed for silk and cotton goods, imported from the Vizier's dominions. All other goods are to pay on the valuation in the rowannah, a duty of five per cent, half of which is to be levied in Benares, and half at Mangee, when the goods are to be again exported to the province of Behar, or otherwise (with the exception in the treaty as to silk and cotton piece goods) the whole duty of five per cent is to be levied. It is also to be considered as a general rule, that double duties are to be levied on goods that are occasionally imported from Oude, either without any, or with informal and insufficient rowannahs, not specifying the quantity and valuation of the goods as required by the treaty aforesaid, and in such cases, the valuation of the goods is to be taken from the Benares book of rates.

From Nepaul.

Fourth. On imports from Nepaul, a duty of two and a half per cent is to be levied on the importer's invoice, according to the commercial treaty with that State, but if this rate of duty shall have been previously paid on such goods on their passage through Bengal, or Behar, no duty whatever is to be exacted on their importation into the province of Benares.

On imports from all other countries. Exception with respect to shawl goods and to the Decan trade to Mirzapoor.

Fifth. On the imports from all other countries, five per cent is to be paid on the valuation in the book of rates, excepting the article of shawl goods, the duty on which is to be collected, as already established, at the rate of two and a half per cent on the beejick or invoice of the importer. This beejick is to be produced to the custom master, and after having the Rajah's seal affixed to it, and a copy of it being retained, it is to be returned to the owner, with the rowannah made out in conformity to it. But as it may sometimes happen, that a person importing shawl goods, may be without such beejick or invoice, from his having brought to the Benares market a part only of his original purchase, the value is in such case to be estimated by the award of three or four respectable merchants, to be assembled for that purpose at the custom house.

Sixth.

Sixth. On all goods produced or manufactured for exportation in the province of Benares, two and a half per cent is to be levied on the valuation of the invoice exhibited by the exporter. This invoice is thereon to have the custom house seal affixed to it, and a copy of it being retained, the original is to be returned to the party exhibiting it. On indigo, the duty is to be levied according to the valuation in the book of rates. Sugars exported after being refined in the province, from goor or shukker imported into it, are not to be liable to any export duty; but frauds committed under the cover of this indulgence with regard to sugar, are to be punished by confiscation of the entire property, by the same process, and under the same rules, as are prescribed with regard to confiscations in section VIII.

Duty on Benares exports.

XII. Besides the duties above specified, which are to be collected upon imports and exports as mentioned in the preceding section, no duty, custom, toll, or fee whatever, shall be levied upon the transportation of any article of trade or merchandise, or upon the sale or consumption thereof, in any gunge, bazar, haut, pait, village, town, or place, whatsoever. If any custom house officer shall levy, take, or accept, any such extra duty, custom, toll, or fee, on the transportation, or on the sale or consumption of such goods, he shall be fined in a sum equal to treble the amount so illegally received, and the collector shall order the whole of the fine so levied, to be paid as an indemnification to the party injured. The collector is empowered to receive complaints of exactions against all officers employed by him in the department of the customs, and to cause them to restore unauthorized collections, and to punish the exactors by fine or dismission. It is to be understood however, that the complainants are to have the option of applying to the courts of judicature, in the event of the collectors omitting to afford immediate and satisfactory redress, in which case, the trial is to be conducted in the manner specified in section V.

Penalties against the custom house officers collecting any amount above the established duties.

XIII. The darogahs, or principal native collectors of the customs, and the officers of their respective establishments, are to be careful to prevent goods being smuggled, either without rowannahs, or under short rowannahs, granted within the province, whether such goods be passing to or from their own principal station, or either of the three other head stations of collections; and as an encouragement to the darogahs, and to the officers subordinate to them, to be attentive to the discharge of this part of their duty, it is declared that a proportion of twelve annas in the rupee, or three fourths of the produce of the sale of all goods, which having been seized by them in the attempt to be smuggled, may be afterwards confiscated and sold, shall on condemnation in the manner provided in section VIII, belong to the seizers, in the following proportions:

Encouragement to the native officers of the customs to be watchful in preventing smuggling.

To the darogah,	6 annas.
Mushriff,	2 ditto.
Tehvildars,	2 ditto.
Searchers.	2 ditto.
Total	12 annas.

The remaining fourth is to be appropriated by government.

XIV. With the exception of the mushriff and tehvildar, the darogah of each station, is to be held responsible for the conduct of all the officers under him, both at the sudder and in the mofussil, and is to take mochulkas, and security for his own indemnification, for their good conduct, and he is moreover empowered to remove them at his discretion, only informing the collector with his reasons for so doing. If any fee, or any consideration whatever, shall be taken by the darogah, or his sudder or mofussil officers, from any merchant or trader, or any other person or persons whomsoever, such darogah, on complaint, and proof before the collector, or any court of justice, (in the manner prescribed in section XII,) shall be fined to the amount of three times the sum thus taken either by himself or his officers, besides being liable

Responsibility of the native officers.

Darogahs answerable for the acts of all the officers in their department, the mushriff and tehvildar excepted.

ble to dismission at the discretion of the collector, or of the Board of Trade, either of whom may also order such of the inferior officers to be dismissed, as on such occasions may be found to have personally offended, without however affecting the darogah's right to recover from such offenders for whom he shall have been thus rendered reponsible, either by legal process or otherwise, the full amount of the penalty in which he shall have been amerced on their account. The mushriff and tehvildar are to be held responsible for their own acts, and to be subject to the same penalties of fine and dismission, as by the preceding part of this section may be awarded against the darogah.

Darogahs to transmit lists of the officers employed under them.

XV. The darogahs of each station, are to transmit to the collector, a list of the officers and servants employed by them according to their respective establishments for each division, and to send with their respective monthly accounts, the receipts of the said officers, as vouchers of their having paid their monthly wages.

Subsidiary regulations for the Decan trade at Mirzapoor.

XVI. *First.* The following rules for the collection of the customs on the Decan trade, at the mundovy or mart of Mirzapoor, were passed in April and December 1788, and in April 1790.

When the imports are to be examined.

Second. The tellashee, or search and inspection of the goods imported by land, by the Decan beoparries, is to take place on the arrival thereof at the Decan or south gateway of the mundovy or mart.

When the duty on imports is to be paid.

Third. The import duty of five per cent on the valuation in the book of rates, is to be paid in proportion as the said importers dispose of the whole, or any part of their investments, upon which rowannahs for the goods, are to be issued in the names of the original importers.

When chore chitties may be issued instead of rowannahs.

Fourth. For the quicker dispatch of business, it is ordered at the request of the Decan beoparries, that chore chitties or passes, with one seal only, instead of rowannahs, may be granted for all goods passing from the mart of Mirzapoor to the Decan, provided that such goods shall have been first imported into the mart under a rowannah, certifying the duties of the province of Benares to have been collected thereon: but in respect to goods, which, from being of the produce or manufacture of this country, shall have been imported into the mundovy or mart without a rowannah, or being charged with duties, whenever such goods shall be exported to the Decan, they must be cleared out and accompanied by a regular rowannah, according to the form thereof, established by the regulations which were in force from the first of April 1788.

Rule as to coconuts.

Fifth. Cocoa nuts, either with or without the bark, are to be considered as the same, and passed as such in the entries of the custom house at Mirzapoor.

Division of the import duty between the importer and purchaser.

Sixth. In December 1788, the Governor General in Council sanctioned an arrangement proposed by the Decan merchants at Mirzapoor, whereby, of the duty of five per cent payable on their imports, one half is charged to and received from themselves; and the other moiety is paid by the person or persons to whom they dispose of such goods in the mart, for transportation and sale beyond its limits, it being understood and stipulated, that if the Decan importer, instead of selling his goods thus brought into the mart, shall chose, in view to a better market, to carry them further into the district, he is to pay the remaining half of the fixed duty himself, so as on the whole to make up the five per cent import duty due to government on the goods.

Valuation on which the duty on the Decan cotton is to be rated.

Seventh. In consequence of the former over-valuation of the cotton imported by the Decan beoparries into the Mirzapoor mart, and other parts of the province of Benares, it has been fixed since the month of April 1790, that all such cotton shall be valued at eight rupees per maund, instead of twelve rupees, at which it stands valued in the book of rates.

Prohibition against the transportation of warlike stores.

XVII. The transportation of cannon, guns, or other descriptions of fire arms, or warlike stores, to or for the use of the country powers, or private persons, without a

pass

pass from government, being prohibited, the officers of the customs are directed to pay the strictest attention to this prohibition, and to seize within their respective jurisdictions, any such arms, or stores, attempted to be passed in violation of it. The arms or stores so seized, shall be confiscated to the use of government, in the manner, and subject to such revision, as is provided for cases of confiscation in section VIII.

A. D. 1795. REGULATION IV.

A REGULATION *for prohibiting the collection of internal duties, in the province of Benares.*—PASSED *by the Governor General in Council on the 27th March* 1795, *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

PREVIOUS to the cession of Benares to the Company, and until the year 1781, internal duties and tolls, in addition to the duties collected on the import and export trade, were exacted throughout the province; and notwithstanding the orders passed in that year, that no duties should be collected but at the stations of Ghazepore, Benares, and Mirzapore, and the repetition of those orders in 1784, the trade of the province continued to be burdened by a variety of interior tolls and exactions, levied partly at the custom houses, and partly by the aumils, and the zemindars and farmers under their authority, until the end of the Fussily year 1194, or September 1787, subsequent to which period, in order to remove these obstructions to the trade of the province, the following rules and measures were adopted and established, which are hereby enacted into a regulation.

II. In the settlement for the Fussily year 1195, it was stipulated with the aumils by a clause in their cubooleats, that they should relinquish the collection of all tolls and duties on the transportation of grain, and other articles of the interior trade of the province, which they before collected with the land revenue, under the penalty of being subject to a fine equal to treble the amount of every sum so levied.

Abolition of the rahdarry, and other interior duties, collected by the zemindars, and aumils.

III. On the 26th December 1787, the Governor General in Council ordered that the zemindarry duties, and all other collections on merchandise, excepting those authorized by government, should be formally abolished, and penalties were prescribed for such persons as might be convicted of levying any exaction whatever on the property of the merchants, contrary to the spirit of this order.

Order of government for the general abolition of all zemindarry duties.

IV. It was in consequence ordered by the 13th article of the custom house regulations of the 29th March 1788, and which were in force from the 1st April following, that no duties of any kind or denomination, should be collected in any part of the country, excepting at the four principal custom houses of Benares, Ghazeepore, Juanpore, and Mirzapore, nor upon the transportation of any goods produced or manufactured in one part of the country, and sold or consumed in another, (with the exception of the goods sold which might be afterwards exported,) and that any person levying duties, or exactions, under whatever denomination, on such goods, in opposition to this prohibition, should be liable to a fine equal to three times the amount received; and as an encouragement to persons so aggrieved to prefer their complaints to the judge of the nearest court of adawlut, who was bound to render them speedy and effectual justice, the whole of the fine was directed to be paid to the party from whom the exactions might be made.

Prohibition of all interior zemindarry, rahdarry, and gunge duties, and penalty for the exaction of them.

V. The settlement for 1196 (commencing with September 1788) having been formed on the canoongoes estimates of the mal and abwab, or land revenue only,

Stipulation with the aumils for the relinquishment of the sayer collections.

without including the sayer collections before levied by the aumils and landholders, which had been prohibited in the preceding year, a clause was inserted in the engagements of the aumils, reciting that all the sayerjehaut, or sayer collections, and the duties on the transportation of merchandise, having from the preceding year 1195 Fussily, been prohibited by government, they were neither themselves to levy, nor to allow any other person to levy, any of those articles of collection, under the penalty of paying a fine equal to treble the amount received; and they were furnished with forms of cubooleats, containing clauses to a similar effect, to be taken by them from their under renters, the village zemindars, and farmers.

Engagements of the zemindars and farmers to the same effect in 1197,

VI. On the conclusion of the permanent settlement with the zemindars and farmers of the talooks and villages in 1197, they entered into cubooleats or engagements, in which it was stipulated, that as all the sayerjehaut, and rahdarry duties, and exactions, had been abolished from the Fussily year 1195, they were not to make any collections on these accounts, under the penalty of paying treble the amount exacted, in the same manner as had been stipulated with the aumils in the preceding years.

and of the aumils for the same year.

VII. At the conclusion of this permanent settlement, the aumils also (who were appointed to collect the land revenue payable according to the settlement) entered into a new engagement with government, by which it was stipulated, that as all gunge, rahdarry, and sayer collections, had been abolished from 1195 Fussily, they were not to collect, receive, or suffer to be collected, or received, any thing on these accounts, under the prescribed penalty of paying treble the amount so exacted.

Cases of undue exactions under the above heads cognizable in the adawluts.

VIII. The prohibitions contained in the preceding sections are to be strictly attended to, and the whole of the penalty recoverable on every breach of them, is to be paid to the party from whom the illegal exactions may be made, on his proving them in a court of judicature.

Suits founded on these regulations to be tried in preference to others.

IX. It being of importance that merchants, and others, from whom any such illegal exactions may be made, should obtain the most speedy redress, the judges of the several courts, are required to be at all times ready to receive and hear complaints of such exactions, in preference to all other suits, so that the party injured may experience the least possible delay in obtaining a decision.

Authority vested in the collector and darogahs of the custom houses for repressing undue exactions.

X. As it may happen, that persons from whom such illegal exactions may occasionally be made, by zemindars, or others, may omit to prosecute the offender in a court of justice, and it being essential to the protection of the trade of the country, that every means should be adopted for preventing such undue collections, the darogahs of each station, are to be careful to transmit to the collector, information of all unauthorized chowkies stationed for the collection of duties, that may at any time be attempted to be established by any zemindar, farmer, or other person, or persons, for the collection of rahdarry, or gunge, or other duties, or exactions; and, if the party thus offending, shall not immediately withdraw and abolish the chowkey so established, as well as pay to the collector the amount that he or his people may have levied, (which is to be restored to the party or parties from whom it may have been exacted,) the collector is to cause a prosecution to be instituted against such zemindar, farmer, or other person so offending, both for the removal of the chowkey, and for the recovery of the prescribed penalties.

REGULATION V.

A. D. 1795. REGULATION V.

A REGULATION *prescribing rules for the conduct of the collector of the public revenue, in the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE following rules are prescribed for the guidance of the collector of the public revenue, in the province of Benares.

Collection of the revenue in the province of Benares, to be committed to one covenanted civil servant of the Company, who is to act in the two capacities of collector of the customs, and collector of the land, and other revenues.

II. *First.* The collection of the public revenue, whether arising from the customs, or the lands, or other source, is to be committed to one covenanted civil servant of the Company, who is to be styled in his capacity of collector of the customs, "Collector of the customs in the province of Benares;" and in his capacity of collector of the land, and other revenues, exclusive of the customs, "Collector of the revenue in the zillahs and places in the province of Benares." (a)

Oath of office as collector of the customs;

Second. As collector of the customs, the collector, previous to entering upon the execution of the duties of his office, is to take and subscribe an oath similar to that prescribed to the collector of the government customs at Mangee, in section III, Regulation XLII, 1793. (b)

And as collector of the land and other revenues.

Third. As collector of the land and other revenues, exclusive of the customs, he is to take, and subscribe the oath prescribed by act of parliament, for servants of the Company employed in the collection of the revenue. (c)

Collector, in his capacity of collector of the customs, to act immediately under the authority of the Board of Trade, and the rules and regulations herein specified;

III. *First.* In his capacity of collector of the customs, the collector is to conform to Regulation III, 1795, (d) and such other regulations relating to his office, as may be printed and published in the manner prescribed in Regulation XLI, 1793, and is to correspond with, and obey all orders which he may receive from the Board of Trade, or the Governor General in Council.

And as collector of the land and other revenues, to act immediately under the authority of the Board of Revenue, and to conform to the rules and regulations herein specified.

Second. As collector of the land, and other revenues, exclusive of the customs, he is to correspond with, and obey all orders which may be transmitted to him by the Board of Revenue, (e) and the Governor General in Council, and is to conform to the rules contained in the following sections.

Seal of the collector.

IV. The collector is to use a circular seal, one inch and a half in diameter, with an inscription to the following effect, in the Persian character and language, and the Hindostanee language and Nageree character, "the seal of the collector of Benares."

Collector to keep an attested diary of his official transactions.

V. The collector is to keep a regular diary of his official transactions, either in the English, Persian, or Hindostanee language, recording and attesting them with his official signature, at the time they may take place.

(a) The offices of collector of customs and collector of the land revenue are now held by two persons instead of one.

(b) R. 42, of 1793, is rescinded by R. 9, of 1810, S. 2, C. 2, as are all the rules and regulations relating to the customs enacted up to the date of that regulation. The form of the oath to be taken by the collectors of the government customs is contained in section 9 of the same regulation.

(c) Statute 33. Geo. III. Cap. 52. See the form of the oath in R. 5, of 1804, S. 26.

(d) This regulation, as well as all others relating to the customs, enacted before the date of R. 9, of 1810, are rescinded by that regulation. The collectors of the government customs in the province of Benares, are subject to the Commissioner appointed under R. 1, of 1816, and not to the Board of Trade.

(e) The collectors of the land revenue in the province of Benares, are all subject to the Commissioner appointed under R. 1 of 1816, and not to the Board of Revenue. Wherever, therefore, the Board of Revenue is named or implied in this regulation, the Commissioner is to be substituted and understood. See R. 1, of 1816.

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Duties to be performed by the collector, under the superintendence of the Board of Revenue.

VI. The duties prescribed in the following sections, are to be performed by the collector, under the superintendence of the Board of Revenue.

To collect the public dues from the proprietors,

VII. *First.* To collect the amount of the fixed revenue assessed upon the lands of the talookdars, zemindars, putteedars, distinct or common, or other actual proprietors of land.

And farmers of revenue,

Second. To collect the stipulated annual revenue, from the farmers of estates let in farm.

And from lands held amauny.

Third. To collect the public dues from estates held amauny. (Estates for the payment of the revenue of which, no settlement has been concluded, or may subsist.)

To make the future settlement of amauny and farmed lands.

On what principles such settlements are to be made.

Fourth. To make the future settlement of amauny and farmed estates, agreeably to the regulations, and the instructions which he may receive for that purpose; observing it as a general rule, in forming the settlement of all lands held amauny, that the public revenue to be paid to government is to be fixed according to the actual jydaad or existing funds, arising from the lands in cultivation, after deducting ten per cent from such funds, for the charges of management, and the profits of the party with whom the settlement may be made, and adding, where there is much uncultivated ground within the limits of the lands to be included in the settlement, a moderate russud or progressive increase, for the four or five first years of it. The settlement of lands let in farm, to be made on the death of the farmer, will regard only the determination respecting the person who is to succeed to the lease, and is not to affect the amount of the public revenue assessed on the lands included in the lease, which in all farmed estates, is to continue unalterable as it may have been fixed by the rules regarding the permanent settlement concluded in, or subsequent to, the Fussily year 1197. But if the parties entitled to re-enter into possession as zemindars, on the avoidance of the lease of any farmer, under the operation of Section 111, Regulation I, 1795, shall not accept of reinstatement on condition of paying the existing fixed jumma, they shall not be entitled to be restored in future, unless they agree to the payment of a jumma to be adjusted agreeably to the rules above prescribed for forming the settlement of amauny lands in general, or such other conditions as shall be prescribed by the Governor General in Council.

To prosecute for the public dues from lands illegally held exempt from the payment of revenue.

Fifth. To prosecute for the recovery of the dues of government, from lands of whatever description, held exempt from the payment of revenue, under illegal or invalid tenures.

To pay the zemindarry pensions, included in the public jumma, and the sayer pensions.

Sixth. To pay the pensions and allowances included in, or chargeable on, the public revenue, inclusive of those granted in lieu of former charitable assignments on the abolished sayer, according to the separate regulation for those purposes.

To execute the orders of the court of wards whenever its jurisdiction shall be extended to Benares.

Seventh. To execute the instructions of the court of wards, regarding disqualified landholders, and their estates, whenever the jurisdiction of that court shall be extended to Benares.

To superintend the division of estates.

Eighth. To superintend the division of, and to apportion the jumma on, landed property paying revenue to government, which, whether from private sale, donation, or otherwise, from being joint and undivided, may become separated into two or more distinct estates, in conformity to Regulations XXV, 1793, and XXVI, 1795, and Section VII, Regulation XXVII, 1795. (f)

To apportion the jumma on lands disposed of at public sale.

Ninth. To apportion the revenue on any part or parts of estates ordered to be disposed of by public sale, for the discharge of arrears of revenue, agreeably to the principles prescribed in Section VII, Regulation XXVII, 1795.

To collect the tax on spirituous liquors or intoxicating drugs or articles, and of ghurdewary.

Tenth. To collect the tax on spirituous liquors, and intoxicating drugs or articles, and the tax of ghur dewary or khanah shoomary, according to the separate regulation for that purpose.

(f) Regulations 25 of 1793, and 26 of 1795, are rescinded by R. 19, of 1814, which contains, with alterations and additions, the rules respecting the partition of estates paying revenue to government.

Eleventh

Eleventh. To procure lands for the native invalid soldiers, who, on taking a discharge from the service, or otherwise, may accept of a provision in land. *(g)*

To procure lands for native invalid soldiers.

Twelfth. To perform the above, and all other duties, according to the rules that have been, or may be, prescribed to him, by any regulation published in the manner directed in Regulation XLI, 1793.

To perform the above and all other duties according to any regulations for his guidance printed and published in the manner prescribed in Regulation XLI, 1793.

Thirteenth. To transmit such annual, monthly, or other accounts as were furnished by the late resident, or as may be hereafter required to be sent by the Board of Revenue, or any officer under that Board, empowered to require such accounts.

To furnish the required annual and other accounts.

Fourteenth. To conform to all special orders that may be issued to him by the Board of Revenue, or by public officers empowered to issue such orders.

To conform to all special orders from the Board of Revenue, or public officers.

VIII. On complaints being preferred by any of the malguzars and ryots of the Rajah's family zemindarry of Gungapoor, and of his jaghires of Budhoee and Kera Mungrore, the collector is to cause redress to be afforded to the complainants, in the manner pointed out in the agreement concluded between the Rajah and the resident, on the 27th of October 1794, as prescribed in section III, Regulation XV, 1795; corresponding on such matters, when necessary, immediately with the Governor General in Council.

To procure redress in cases of complaint from the malguzars, and ryots of the Rajah's jaghire, and his paternal zemindarry of Gungapoor.

IX. The sheristadar, *(who is henceforward to be denominated the dewan,)* *(h)* and all native officers under the collector, are to act agreeably to his orders, and such rules as he may prescribe. They are not to perform any act of authority without his sanction, under pain of being fined in a sum not exceeding six month's salary, or of being dismissed from their offices, by the collector, *(i)* the Board of Revenue, or the Governor General in Council, and also of being sued in the court of judicature for damages, by any person who may consider himself aggrieved by such unauthorized act.

The dewan and native officers, to obey the orders of the collector, and not to perform any public act without his sanction.

Penalty.

X. The collector is prohibited from employing, directly or indirectly, his private servants, whether banians or others, in the discharge of any part of his public duties, it being required in all matters relating to the trust committed to him, that he act as the only empowered agent of government. This prohibition however, is not meant to restrict him from occasionally employing his assistants, *or dewan, (j)* or his inferior public servants, in the cases, and in the manner in which he is authorized to make use of their agency. *(k)*

Collector not to employ his private servants in public matters.

XI. The khezanchee, or native cash keeper at Benares, is to act under the orders of the collector, who is to report to the Board of Revenue all instances in which he may have cause of complaint, against the khezanchee or his agents. The khezanchee is not to be removed from his office without the sanction of the Governor General in Council. *(l)*

Rules respecting the khezanchee.

XII. All issues from the treasury of the collector, are to be made under a warrant signed by the collector, and sealed with his official seal, *and countersigned by the dewan, who shall write under his signature, the sum for which the warrant may be granted. (m)* The native cash keeper is prohibited paying any money without such writ-

Form to be observed in issuing public money.

(g) Lands are not now given to native invalid soldiers on their discharge from the service—they are entitled only to the invalid pay of their ranks. See R. 2, of 1811.

(h) This office is abolished, and the rules which define its duties rescinded, by R. 15, of 1813, S. 2.

(i) The collectors are not empowered, of their own authority, to dismiss any public servant on their establishments, who receives a salary of ten rupees or upwards, monthly. See R. 5, of 1801, S. 3, and R. 8, of 1809, S. 10.

(j) This office is abolished, and the rules which define its duties rescinded, by R. 15, of 1813, S. 2.

(k) See the provisions of R. 21, of 1816, for preventing the zillah and city judges and collectors of the public revenue from employing their native creditors on their respective establishments.

(l) Modified by R. 5, of 1804, S. 19, and R. 8, of 1809, S. 10. All native officers on the establishments of the collectors, in the province of Benares, receiving a salary of ten rupees a month or upwards, are appointed and removed at the determination of the Commissioner appointed under, R. 1, of 1816, without the previous sanction of the Governor General in Council. Native officers receiving a salary under ten rupees a month, are appointed and removed at the discretion and determination of the collectors.

(m) Rescinded by R. 15, of 1813—by which the office of dewan is abolished, and the rules which define its duties, rescinded.

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ten authority, under the penalty of being made responsible for it, should the payment be afterwards found to have been unduly made. These warrants are to be numbered, and a register of them is to be kept in the current language of the country, by the keepers of the native records, who are to attest by their respective signatures on the face of the warrant, that it has been duly registered.

Appointment and removal of native servants vested in the collector.

Exceptions.

To transmit regular notice of all appointments and removals to the Board of Revenue.

Public and registered officers only to be employed in public matters.

XIII. *The appointment and dismission of all native public officers on the establishment of the collectorship, the keepers of the records, and the khezanchee excepted, are vested in the collectors; (n)* but he is to transmit to the Board of Revenue, regular notice of all appointments and removals, and is to employ none but such public and registered officers in matters in any respect relating to his official duty, and is not, under any plea or pretext, to confer on his public officers, any private trust relating to his personal concerns.

In the absence of the collector, the senior assistant to officiate in his room.

XIV. In the event of the death or removal of the collector, or of his absence from his station, the senior assistant on the spot is to perform the duties of collector, *and the dewan, (o)* and the public officers of the collectorship, are accordingly to obey his orders.

Collector and his officers prohibited being concerned extra officially in the revenue

Native officers prohibited purchasing lands at public sale in the district.

XV. No collector, assistant, *or dewan (o)* to a collector, nor any native in the employ of a collector, or of an assistant, shall hold, directly or indirectly, any farm, or be concerned on his private account, in the collection or payment of the revenue of any lands in the province, either as farmer, surety, or otherwise; and native officers, and private servants, and dependents of collectors, and assistants, are prohibited from purchasing, directly or indirectly, any land which the collector may dispose of at public sale, under the penalty of forfeiting the property to government, upon proof being made to the satisfaction of the Governor General in Council, of the property having been so purchased.

This rule not to preclude such native officers, or servants, from making bona fide purchases of land at private sale.

XVI. The rules in the preceding section however, are not to be considered to prohibit *a dewan, (o)* or other native officer of a collector, or any private servant of a collector, or of an assistant, from purchasing bona fide the proprietary right in lands situated in the zillah by private sale.

Collector not to give lands in farm to Europeans, nor to accept of their security for zemindars, farmers, or ryots.

XVII. No collector shall give land in farm to a European, directly or indirectly, or accept the security of an European for any zemindar, farmer, or ryot.

Collector, assistant, or dewan, prohibited from trading.

XVIII. No collector, assistant, *or dewan, (o)* shall directly or indirectly, carry on any trade, or be concerned in any commercial transaction whatever. This prohibition with regard to the collector, and his assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the provinces of Benares, Bengal, Behar, or Orissa, for the purpose of remitting money to Europe.

Dewan of the collector prohibited from lending money to land holders, &c.

XIX. *The dewan of the collector, is prohibited lending money, directly or indirectly, to any proprietor, or farmer of land, under farmer, or ryot. Loans made in opposition to this rule, shall not be recoverable in any court of judicature. (o)*

Collector to keep complete and preserve the public records.

XX. The collector is to be careful that the accounts and records are kept complete, and duly preserved.

Sepoys not to be employed in the collection of the public revenue.

XXI. The collector is not to employ sepoys in the collection of the public revenue.

No advances of tuccavy to be made but by the sanction of the Board of Revenue.

XXII. The collector is not to advance any money on account of tuccavy, without the express sanction of the Board of Revenue.

Rule with regard to receipts.

XXIII. The collector is to give monthly receipts, under the joint attestations of himself, and of the rajah, for all payments of revenue into the treasury, specifying the date or dates on which the money may be received, and the species of rupee, in which each payment may be made. The keepers of the native records, are to keep

(n) Rescinded by R. 5, of 1804, S. 3. See the note to S. 11 of this regulation.

(o) Rescinded by R. 15, of 1813—by which the office of dewan is abolished, and the rules which define its duties, rescinded.

a register of these receipts regularly numbered. After having registered the receipts, they are to attest on the face of them, the date on which they may be registered. A copy of this register, is to be transmitted monthly to the Board of Revenue, or as often as that Board may require. A similar register of receipts is to be kept by all tehseeldar, sezawuls, or other native officers, intrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the collector monthly, or as often as he may require.

Monthly receipts for salaries to be deposited amongst the public records and registered.

XXIV. The monthly or other receipts for salaries, pensions, or allowances, of whatever kind, which may be paid by the collector, are to be deposited amongst the public records, and a register of them is to be kept by the keeper of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

Collector resigning, or removed, not to quit the station without a complete transfer of his trust, and the sanction of the Board of Revenue to his departure, shall have been obtained.

XXV. To prevent loss of revenue, or confusion in accounts, from the resignation or removal of the collector, no collector is to be permitted to depart from his station, until he shall have either delivered over complete charge of his trust to his successor, or to his assistant, and until notification shall have been made to the Board of Revenue, of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases, that may appear to them to require it.

Collector to attend to references made by the president, or acting president.

XXVI. The collector is to pay due attention to all references or requisitions that may be made to him by the president, or acting president of the Board of Revenue, for papers, or accounts, or information, on matters relating to his public duty.

Authority to be exercised by the Board of Revenue over the collector.

XXVII. The Board of Revenue are to be careful that the collector performs his assigned duties, for which purpose they are vested with the same powers over him as they possess over the collectors in the other three provinces, by Regulation II, 1793; and they may accordingly summon him to the presidency, to explain and justify his conduct, or suspend him from his office, or fine him in the manner, and under the reservation set forth and provided, in clauses first, second, third, and fourth, section XXXI, of that Regulation. (p)

Collector may depute his assistant on local inquiries.

XXVIII. The collector may depute his assistant to make occasional local inquiries into the causes of balances, or deficiencies in the revenue, but he is forthwith to advise the Board of Revenue of such deputations, and to conform to the instructions with which they may furnish him.

Board of Revenue may require the personal attendance of landholders, &c.

XXIX. The Board of Revenue are vested with the same authority, in respect to requiring the attendance of natives concerned in the revenues, as they are empowered to exercise in Bengal, Behar, and Orissa, by Section XXXIII, Regulation II, 1793, under the rules and restrictions therein specified.

Board of Revenue empowered to issue orders to their subordinate officers for forming the settlement of lands held amauny.

XXX. The Board of Revenue are empowered to issue orders to their subordinate officers, for making the settlement of lands that are or may be held amauny, in conformity to the regulations, and any special instructions which may be prescribed to them by the Governor General in Council.

Security for the payment of the revenue to be demanded from zemindars, as well as from farmers.

XXXI. In all cases of a settlement being made with, or on behalf of, talookdars, zemindars, putteedars, or other actual proprietors of land, their lands are to be declared in their engagements to be responsible for the payment of the revenue; besides which, a malzamin, or surety, for the punctual discharge of the revenue, is to be invariably required.

Settlements to be made by the collector.
Cases in which the Board may propose to depute one of their members to make a settlement.

XXXII. It is to be observed as a general principle, that the settlement of lands that are or may be amauny, is to be made by the collector, under the regulations, and the instructions of the Board of Revenue. But if the Board should deem a special deputation of one of their members, or of any other person, necessary to form the

(p) See R. 1, of 1816, for the appointment of a local commission for the superintendence of the revenues in the provinces of Benares and Behar. • See likewise the note to S. 3, C. 2, of this regulation.

settlement of any such lands, they are to propose the measure to the Governor General in Council, with their reasons for recommending it.

Upon a settlement being concluded, the usual pottah and cubooleat, to be issued and received accordingly, under the rajah's seal, and the collector's signature.

XXXIII. Upon a settlement being concluded with any proprietor, or farmer, conformably to the regulations, the collector is to receive from him the usual cubooleat, and to sign and deliver the pottah in conformity thereto, after it shall have been attested by the seal and signature of the rajah, in pursuance of the agreement to that effect, concluded between the rajah, and the resident, under date the 17th of October 1794.

Revenue to be levied by the collector.

Board of Revenue to see that it is punctually collected, or that satisfactory reasons are assigned for the arrears.

XXXIV. The collection of the revenues is committed to the collector; but the Board of Revenue are to see that the revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the collector for any delay or deficiency. The power of coercion over the proprietors and farmers of land, is also vested in the collector, as prescribed in Regulation VI, 1795.

Cases of dereahshekesty.

XXXV. In cases in which since the conclusion of the settlement, the rivers may have carried away so much of the ground included in the engagements of any zemindar, or farmer, as to disable him from paying the stipulated revenue; the collector, after minute inquiry, is to report the circumstances, and the amount of the deficiency thereby occasioned, to the Board of Revenue, through whom the orders of the Governor General in Council will be issued to the collector, for affording such relief to the party or parties, as may appear necessary. (q)

Board of Revenue empowered to advance tuccavy under the restrictions herein specified.

XXXVI. The Board of Revenue are authorized to grant advances of tuccavy to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent on the revenue payable from the lands to government, reporting all such instances to the Governor General in Council. Where a larger sum may be required, his sanction to the advance must be previously obtained. The interest to be taken on such advances, is to be one per cent per mensem.

A. D. 1795. REGULATION VI.

A REGULATION *prescribing the process by which the collector, and the tehseeldars, are to realize the public revenue payable from the lands in the province of Benares.*— PASSED *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Rumzaan* 1209 *Higeree.*

THE following rules are prescribed for the guidance of the collector, and the tehseeldars, in realizing the public revenue payable from the lands.

Rules for stationing shaenas on the crops.

II. The tehseeldars are to place shaenas, or watchmen, on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down, or carried away, until the zemindar or farmer, in the mushukhusy lands, (lands for the payment of the revenue assessed on which a settlement has been concluded,) or the ryots, in the lands held amauny, shall have given security for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen, by the persons who may be responsible for the revenue due from the lands. But where such secu-

(q) See the provisions of R. 1, of 1801, S. 2, extended to the province of Benares by the last section of that regulation, regarding the lenity to be shown to proprietors of land and others failing to pay the stipulated revenue from circumstances owing to droughts and other calamities of season.

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rity is not tendered, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh khurch, or village charges, of which the accounts are kept by the putwarries. To prevent all undue exactions under the head of shaenagee, or allowance to shaenas, or watchmen, the tehseeldar is to furnish each watchman with a dustuck or writ, prescribing the duty he is to perform. On this dustuck, the sheristadars, (heretofore the canoongoes,) *(r)* are to endorse the name of the watchman, the rate of allowance which, according to established custom, he is to receive, and from whom it is to be levied; and the sheristadars, at the end of every month, are to transmit under their official signature, a list of all such shaena dustucks, as they shall have thus attested during the course thereof, together with the rates of shaenagee thereby allowed. The collector is to revise these allowances, and may order them to be reduced, whenever they shall appear to him exorbitant.

When payment of the instalments, is to be demanded.

III. The tehseeldars are not to issue a dustuck, or written demand for the payment of any kist, or instalment, until it be due. Accordingly, in those places where by antient custom the revenues are payable by two instalments in each month, viz. at the amawus, or middle, and the poornmaushy, or end, of the month, he is not to issue a dustuck for such kists before the expiration of the day of payment; and where the revenues are payable by monthly instalments, he is not to issue a dustuck for the instalment of any month, before the elapse of it. But when any person shall have failed to pay in his kist before, or on the date on which it may become due, the tehseeldar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day, until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge, for the khorack, or subsistence of the peon, or other account.

Rate of tullubana.

Tehseeldars prohibited employing muzcoory peons.

Regulations regarding peons entertained as monthly servants.

IV. Tehseeldars are strictly prohibited from employing muzcoory peons, to serve the abovementioned, or any other dustucks. This duty shall be performed solely by peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by government out of the tullubana or subsistence money that may be levied from the persons on whom they may serve the dustucks. Every tehseeldar is to report to the collector, the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the collector is to furnish the tehseeldars with a correspondent number of chupprasses or badges, which such peons are to wear, and without which, they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nageree character " Chuprassy of the tehseeldar of———" (name of the mohaul or district, under the charge of the tehseeldar, in whose service the peon may be employed).

Sheristadars to attest all dustucks or written demands for the revenue, and to report the same to the collector;

And to transmit an attested list thereof to the collector.

How the tullubana is to be appropriated.

V. Every dustuck issued by a tehseeldar for enforcing payment of a kist, shall be attested by the sheristadars officiating in the tehseeldary cutcherry, who, on the eighth of each succeeding month, are to transmit to the collector, an attested list of all such dustucks as may have been thus issued; and the peons, on their return with their dustucks, shall account to the sheristadars for the tullubana collected by them in conformity to their dustucks, and, after retaining one moiety of the amount for their own subsistence, shall pay the other half to the sheristadars, receiving from them regular receipts for the sums so paid. The peons are immediately to deliver these receipts into the dufter or office of the tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the collector. The collector is to cause the list to be examined, and checked by the attested list of the dustucks issued,

(r) This office has been re-established in the province of Benares by R. 4, of 1808.

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which he will have previously received from the sheristadars, and to have entered monthly in the moolky treasury accounts, the neat realized amount of the reserved moiety of such tullubana, and to allow the sheristadars to apply the same towards the discharge of so much of their monthly wages, as may be payable from that treasury.

Nature and extent of the responsibility of the tehseeldars.

VI. In consideration of the liberal rate of commission (s) continued to the tehseeldars, they are to be considered as responsible to government, for the regular realizing of the annual amount of the jumma assessed on the mushukhusy lands, within their respective tehseeldarries, the revenue of which is not paid huzzoory, or immediately to the collector, as well as for the annually ascertained revenue funds of those lands that may remain amauny, (which funds are to be ascertained in the manner prescribed in section XXVII, Regulation II, 1795,) such responsibility on their parts, being considered as rendering them liable to make good to government from their own property, whatever deficiencies in the collection of the said ascertained funds, may be proved to have arisen either from their wilful neglect, or inattention, or from direct embezzlement, to which purport, engagements are to be taken from them by the collector. The tehseeldars are also declared liable to be removed from their offices by the collector, with the sanction of the Board of Revenue, (t) and to be prosecuted on the ground of their said engagements, either during the course, or at the end, of the year.

Process to be observed by the collector in realizing the successive instalments, as they fall due.

VII. The kists or instalments for each month, receivable from the tehseeldars, and the huzzoory malguzars, are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation, through the vakeels of the parties, (who are always to be in attendance at his cutcherry), to pay in their kists. (v) But to those who shall not have paid the amount due from them by the fourteenth of the month, the collector shall issue dustucks, under his seal and signature, *and countersigned by the dewan,* (u) on the fifteenth of the month, and the peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the collector's cutcherry, and also from the date of their dustuck, to levy tullubana for the first three days, at the rate of two annas per day, to be augmented at the rate of one anna per day, until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the collector, are to be served by the badge peons on his establishment of public officers, hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tullubana which they may levy. In cases however of unavoidable necessity, the collector is permitted to employ muzkoory peons, who are to be allowed out of the tullubana which they may collect, two annas per day, for their subsistence. And on particular occasions, when from the distance of situation, or the necessity for dispatch, the collector, shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman, shall begin at the rate of four annas per day, and augment at the rate of two annas per day, until the demand specified in the dustuck be liquidated. The horseman shall be allowed to retain out of this tullubana, four annas per day for his

(s) Tehseeldars appointed after the passing of R. 21, of 1806, are remunerated by a fixed allowance instead of the commission—they are allowed besides, a separate allowance for their establishments kept by them as receivers of the public revenue.

(t) A Commissioner has been appointed for the superintendence of the revenues and the general control of the collectors in the discharge of their several public duties in the province of Benares, to whom have been transferred all the duties, powers, and authority which were, before such appointment, exercised in that province by the Board of Revenue. See R. 1, of 1816. This alteration is to be kept in mind wherever, throughout this Regulation, that Board may be named or intended.

(v) The rule regarding the process of notice in cases of arrears of revenue, is explained and modified by R. 18, of 1814.

(u) The office of dewan is abolished, and the rules which define its duties rescinded, by R. 15, of 1813.

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own maintenance, and the subsistence of his horse; but no sowars are to be employed by the collector in the serving of dustucks, excepting those who form part of his public establishment, and are entertained on monthly wages. All peons, whether employed on monthly wages, or those termed muzkoory, and also sowars, are to give security, not to exact or receive under any pretence, any sum or sums, or to accept of any subsistence for themselves, or their horses, from any person or persons, to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account, in the city court, or either of the zillah courts.

How the sudder tullubana levied by the collector is to be appropriated.

VIII. The tullubana collected as above prescribed, is to be accounted for at the end of every month by the collector's nazir, and the jemadar of the sowars, to the treasurer of the molky treasury, and the said nazir and jemadar are then to pay in the amount thereof, according to an attested statement under the collector's official seal and signature. This statement is to remain as a voucher in the said treasury, from the gross receipts specified in which, there is only to be deducted the subsistence money allowed to the peons or horsemen, as authorized in the preceding section.

On whom the collector is to make his demand for the huzoory revenue.

IX. When any huzoory malguzar, (whose privileges, and the mode of acquiring them, are explained in Regulation II, 1795,) falls in arrears, the collector may address his dustuck or written demand for the kist, either to the defaulter himself, or to his malzamin or security, or, if necessary, to both.

On whom the tehseeldars are to make their demand for the revenue payable through them.

X. With respect to the lands the revenue assessed on which, is not paid huzoory, or immediately to the collector, the tehseeldar, at the expiration of the fifth day, from the date of his dustucks having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, and subject to the same progressive rate of tullubana, to be served on their sureties, if they shall have given sureties; and, when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or, at the tehseeldar's cutcherry, to which the peons are to escort them, by such time, (consistently with the period fixed in the ensuing section, for their being sent into the collector) as shall be specified by the tehseeldar in the dustuck, such dustuck or dustucks, together with the peons serving the same, shall thereon be immediately withdrawn.

When the tehseeldars are to send in defaulters to the collector.

XI. The tehseeldars are not to confine in jail, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent with a written report of the circumstances to the collector. In such instances, and also in similar cases of huzoory malguzars or their sureties, on whom he may have sent a dustuck or written demand, and summoned in the first instance, the collector, after enquiring into the circumstances, shall within ten days after the arrival of such defaulter or defaulters at his cutcherry, (during which period of ten days he may either confine their persons, or only keep over them the peons with whom they arrived,) either discharge him or them, on his or their paying the amount in demand, or satisfying the collector that he or they will make good such payment, before the expiration of the current Hindoo month; or otherwise, the collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public jail of the nearest court of dewanny adawlut, and the collector is to apply to the court, by motion in writing, to be made in open court, (if the court shall be sitting,) through the pleader of government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the judge out of court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the judge is immediately

Period during which the collector may confine defaulters.

When they are to be committed to the jail of the city and zillah courts. Motion in writing to be made to the court on this occasion.

Judges to confine the defaulter.

ately to order the defaulter to be confined in the jail of the dewanny adawlut, and detain him, until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the court by motion made as above directed, to have him released.

Cases in which defaulters are to be charged with interest on arrears.

XII. To prevent proprietors or farmers of land, withholding the payment of the public revenue, to derive the benefit of the use of the money, or otherwise applying it to their private purposes, the Board of Revenue are empowered, in every case, in which it shall appear to them that a talookdar, zemindar, or other actual proprietor, or farmer of land, has wantonly, or without sufficient cause established to their satisfaction, withheld the payment of the public dues, to charge the defaulter with interest on the arrear, at the rate of twelve per cent per annum, from the period at which it may become payable, until the date on which it may be discharged. The order of the Board of Revenue to the collector to levy the interest, shall be a sufficient authority to him to enforce the payment of it, by the same process to which he is empowered to have recourse, for compelling the discharge of arrears of the stipulated public revenue. But the Board of Revenue are not to order the collector to exact the interest, until they have submitted the circumstances of the case to the Governor General in Council, and received his sanction for the demand of it. (w)

Cases in which the collector is directed to suspend the exercise of the powers vested in him by section —

XIII. If the crops in any estate or farm, shall have been damaged, or destroyed, by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under section XI, and the collector shall be satisfied from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds, or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in section XI, for the confinement of the defaulter. But the collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by, the instructions which he may receive from them. (x)

Precautions to be taken for the security of the revenue, on the confinement of a proprietor or farmer of land.

XIV. In all cases of the default, or confinement of parties, from whom revenue may be due, the collector is to issue directions to the tehseeldar of the district in which the lands of the defaulter may be situated, to levy the public revenue, by realizing in concert with the sheristudars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody. (y)

From whom and in what proportions the revenue is to be collected, on government's proceeding to realize the demands of defaulters from the putteedars, and ryots.

XV. This sequestration of the profits of the party or parties in arrear, is to extend also to the profits of all those of the brethren or putteedars, whose names may be inserted in the pottah of government, and who shall have executed the corresponding cubooleat; without however infringing the rights of the inferior putteedars or sharers, or in talookas, of the dependent village zemindars, or under renters, or, in any case,

(w) Interest may be charged and levied by collectors without the previous sanction of the Commissioner in Behar and Benares; nor is the latter bound to obtain the sanction of the Governor General in Council for that purpose. See R. 5, of 1800, S. 21, and R. 5, of 1812, S. 28.

(x) See R. 1 of 1801, S. 2, corroborative of this section, and applied to the province of Benares by the last section of that regulation.

(y) Distress and sale of personal property may be preferred to the confinement of proprietors or farmers and the attachment of their estates or farms, or in addition to them, for the recovery of arrears. Entire estates to be attached instead of a part, whenever an attachment shall be necessary: attachments are prohibited from being made within the three first months of any year, without the express order of the Commissioner in Behar and Benares. See R. 5, of 1800, S. 22, and R. 1, of 1801, S. 2.

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or under any description of tenure, of the common ryots, from whom the collections are to be made by the tehseeldar, according to their engagements with the defaulter or defaulters; or, where no such engagements exist, according to the established rules and usages of the village or talooka; (z) and in addition to the accounts to be kept by the sheristadars, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.

Tehseeldars and collector liable to be prosecuted for any breach of the preceding rules.

Persons on whom a demand for revenue may be made by any tehseeldar or collector, at liberty to institute a suit to try the justice of it.

XVI. All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them, or by unnecessary severity in the execution of them, are declared cognizable in the city and zillah courts, to which any of the parties may apply at all times, either in person or by vakeel. (a) In such cases, the judge is to cause the collector, or tehseeldar, (according as the act complained of, may have been done by the former or the latter,) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the collector or tehseeldar respectively, within the period limited in the notice, shall give in his answer to the court, stating therein the amount in demand from the party or parties on whom the dustuck shall have been issued; and, if the said party or parties shall not thereon dispute the justice of the demand, the judge shall stop all further proceedings in the cause. On the contrary, if the plaintiff, or plaintiffs, in their replication, or that of their vakeel, delivered into court, shall not allow of the justice of the demand, and shall thereon tender to the court sufficient malzaminy or security, as well for the sum actually in demand, as for such further amount as may become due from the growing kists, during the trial, and condition to abide by such decree as the court may pass, including all costs and charges, in case the plaintiff or plaintiffs be cast, the judge shall issue a written precept, addressed to the tehseeldar or collector, (according as the former or the latter may be the defendant,) to withdraw the dustuck and peon from the plaintiff or plaintiffs in the cause. (b) In conformity to the precept, the defendant shall withdraw his process on the party or parties complaining, and give in his answer, when if no part of the claim shall be found to be due from the complainant, the judge shall discharge him, and decree such costs and damages against the tehseeldar, or the collector, as he may deem equitable, upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by government, or the party prosecuted, according to the rules for such cases hereafter laid down in this regulation. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases however, the court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the tehseeldar or collector, in consequence of orders from the Board of Revenue, or without their orders, if the tehseeldar or collector, shall state to the court that an appeal will not be preferred from the decision, or, if an appeal shall not be lodged within the time limited for preferring appeals to the provincial court of appeal, the judge shall release the person so confined without taking such security.

(z) See the additional and explanatory rules in R. 5, of 1800, S. 24, and R. 5, of 1812, S. 5, regarding collusive engagements between landlord and tenant—payments of rent in anticipation of attachments, and the collection of rents according to the established rules and usages of the purgunnah.

(a) See the exception taken by R. 15, of 1816, in favour of native officers and soldiers on the military establishment of the presidency of Fort William, to the general rule—prohibiting parties from adopting proceedings in the courts but in their proper persons or through vakeels. See also the rules in R. 2, of 1814, modifying the rules before established for the trial of suits proposed to be instituted against any of the public officers, who have been declared amenable, for acts connected with the discharge of their official duties, to the jurisdiction of the courts of judicature.

(b) Explained by R. 5, of 1800, S. 23:—the enlargement of the plaintiff from personal restraint, agreeably to this rule, not to be construed to authorize the attachment of an estate or farm to be withdrawn, nor the suspension of distress and sale of personal property, unless the arrears demanded be discharged. The rules in this section, and generally in this regulation, regarding suits against collectors, and resistance of their process by landholders and others, extended to similar cases under R. 5, of 1800.

How lands of proprietors in arrear at the end of the year, are to be disposed of.

In the case of the arrears arising from the proprietor's misconduct.

XVII. *First.* At the expiration of the year, if an arrear shall remain due from any talookdar, or zemindar, or other actual proprietor of land, the collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure, when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement, or misappropriation of the funds, arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount; the Board of Revenue, provided from the communications of the collector, it shall appear to them expedient so to do, and the Governor General in Council shall approve of the measure, (c) may authorize the collector, to transfer the rights of the defaulting landholder, to such one or more of his putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to government. In such case, the defaulter is not to be entirely excluded, but is to retain, as an inferior putteedar, such a portion of neej-jote ground, as, with the approbation of the collector, the putteedars who may succeed him, shall be willing to allow him to hold, at the established rate of rent, payable by the most inferior of the family putteedars of the same village or talooka; provided however that no putteedar in arrear on account of rent to the defaulter, shall be allowed to take advantage of this option, which the collector is successively to tender in preference to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept, or they all decline it.

His rights may be transferred to his putteedars or partners, on their paying up the balance.

Or his profits may be sequestered by government.

Case of a proprietor failing in balance through misfortune.

Second. Where such transfer of a defaulter's rights, to one or more of his putteedars or sharers, shall not prove effectual in realizing the balance; or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature, as to induce the Governor General in Council to remit the amount, the Board of Revenue, with the sanction of the Governor General in Council, may direct the collector, either to continue the defaulter in possession, on his engaging in such manner as shall be deemed satisfactory, to pay up his balance with the future revenue, or sequester to the use of government, the ensuing years profits of the defaulter, in the manner, and under the restrictions, specified in section XV. The last mentioned measure shall be adopted, where there is a reasonable prospect of at least realizing thereby, the assessment payable to government in the ensuing years, and in such instances, it shall be the duty of the collector, in like manner as in all cases in which lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue, such improvements of the jydaad or funds as may appear practicable, by making advances for tuckavy, gilandazee, the cutting down of jungles, or by the construction of embankments, or water-courses, so as not only to prevent any diminution of the produce of the lands, but to improve and increase it.

Duty of [illegible] respect to the improvement of amauny land.

How the profits arising from the land of dispossessed landholders are to be appropriated.

Third. The profits arising from the surplus collections over and above the former fixed jumma adjusted by the permanent settlement, after defraying the charges of improvement, whilst government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public, in the cases of all defaulting proprietors, who may be dispossessed under the preceding clause, for embezzlement or misappropriation of the funds for the payment of the public revenue; and such zemindars shall not be reinstated, until from their own means, they shall have paid up, or given satisfactory security for discharging the balance incurred, as well as to repay to government the principal of the amount it shall have advanced for improving the estate. But in the other case, stated in clause second, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections, shall be set off against the arrears due from them, and they shall be entitled to rein-

In the instances in which such landholders have been dispossessed for misconduct,

And in those where such misconduct is not ascertained.

(c) Modified by R. 18, of 1814: the previous sanction or approbation of the Governor General in Council dispensed with, either for the transfer or disposal of an estate or farm for arrears of the public revenue by public sale.

statement, as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their dispossession, for which, government, on a review of the circumstances of the case, shall think fit to render them responsible.

Fourth. The rules in the preceding clauses of this section, are to be understood with this reservation, that in all cases where talookdars, zemindars, or other land owners, shall be dispossessed for arrears of revenue, government shall have the option of letting their lands on lease, either for a term, or in perpetuity, to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands, under the conditions that may be offered to them.

Right reserved to Government to let the lands of the dispossessed proprietors to whomsoever they shall think proper,

Fifth. In extraordinary instances of embezzlement, or misappropriation of the funds from which the revenue may be payable, by any landholder, or in any other cases in which it may be deemed advisable, the Board of Revenue, (in addition to such recourse as is authorized to be had on the surety,) may recommend to the Governor General in Council, the enforcing of that part of the engagements of the landholders, which renders their property, real and personal, liable to sale for arrears of revenue. *(d)*

And to dispose of the lands at public sale for the recovery of arrears.

XVIII. *First.* Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration; the collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the ancient zemindars of the village or talooka in question; who, on paying up the farmers balance, either immediately, or on finding security to pay it by instalments in the course of the ensuing year, shall be reinstated in their zemindarry.

How lands rented by farmers in arrear at the end of the year are to be disposed of.

Lands to be in such instances restored to the ancient zemindars.

Second. Where there are no ancient zemindars, or where they decline to take on themselves the balance of the farmer, the latter may be continued, on his stipulating in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be re-let in perpetuity, or for such term as government may direct, to such other person or persons, as, in consideration of such lease, shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it, the payment of which shall be required.

Or the farmer's lease to be continued, or the lands to be let again to such person, and for such a term, as Government may approve.

Third. Where neither the ancient zemindars shall be reinstated, nor the farmer in arrear be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as government may require, the lands are to continue amauny, under the same kind of management, and regard to their improvement, as is directed in clause second of the preceding section, to be observed in respect to lands from which zemindars shall have been dispossessed

Or to be held amauny under the collector.

Fourth. The Board of Revenue, in all cases in which they may judge it advisable, (in addition to such recourse as is authorized to be had on the surety,) may recommend to the Governor General in Council, the sale of the property of farmers in arrears, in conformity to the tenor of their engagements.

Property of farmers may be disposed of for the recovery of arrears.

XIX. In cases in which arrears of revenue, shall be stated to be outstanding against any actual proprietor or farmer of land, who shall have given the security required, and instituted a suit under section XVI, to try the justness of the arrear demanded of him, his lands, or other property, shall not be liable to sale for the arrears so claimed, until a final decision shall be passed in the cause; nor are lands or other property, in any case whatever, to be sold for the discharge of arrears of revenue, without the sanction of the Governor General in Council. *(d)*

Lands of proprietors, or the property of farmers, not to be sold for demands of revenue which may be under trial in the courts of justice, until the cause is finally decided. Lands not to be sold for arrears without the sanction of the Governor General in Council.

(d) See the last note.

XX.

Tehseeldar how to proceed when a proprietor or farmer of land refuses to pay his arrears, or resists the process issued by him under sections III, and X.

XX. If a tehseeldar shall issue the process prescribed in sections III, or X, against any zemindars, or other actual proprietor of land, or any farmer, or surety, for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due and the party to whom such process may be addressed, shall refuse to obey, or resist or cause to be resisted, the peon deputed to serve such process, or abscond from the peon, after he shall have served such process, or retire to any place, so that the process cannot be served on him; the tehseeldar who may issue the writing, is immediately to represent the case to the collector, and to transmit a sooruthaul, or circumstantial report of it, under the seal of the cauzy, and the attestations of the sheristadars; whereupon, if the party thus accused shall not intermediately have made his appearance at the collector's cutcherry, the collector shall issue a summons to him requiring him to repair to his cutcherry for the explanation of his conduct, and for the payment of his kist, along with the two peons, or the single sowar, either of whom, the collector at his discretion may depute to serve this summons. Upon the arrival of the party at the cutcherry of the collector, the latter is to enquire into the circumstances of the case, and as may appear to him proper on a consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael zaminy, from him. If the non attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the tehseeldar's peon, who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly, no tehseeldar shall afterwards employ him; and the tehseeldar shall also be removed in case the resistance of the party served with the process, shall appear to the collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of peons or tehseeldars under this regulation, the collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such farther instructions for his guidance, as they may think proper.

Tehseeldar to advise the collector.

Collector to summon the party.

Extent of the collector's authority in the cognizance and punishment of such offences.

Collector to cause to be filed of record in the courts of justice, the confinement of zemindars or farmers under section XX.

XXI. In all cases in which the collector shall order any zemindar or farmer to be confined under the authority vested in him by section XX, he shall cause a notice thereof, and of the date from which such imprisonment is to commence, to be made through the vakeel of government, to the judge of the dewanny adawlut within whose jurisdiction the lands of such zemindar or farmer shall be situated; and such notices are to be filed of record in the courts, to guard against any undue protraction of the term of such commitments.

Collector how to proceed when a proprietor of land refuses to obey or resists the process issued by him under section XX, or escapes from the peons, or prevents the process being served upon him.

XXII. If the party, (being a talookdar, zemindar, or other actual proprietor of land,) against whom the collector shall have issued process at the instance of the tehseeldar, as prescribed in section XX, shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or, if in the first instance, the collector shall have issued the process prescribed in section IX, against any huzoory zemindar, or other actual proprietor of land, on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the collector is immediately to represent the circumstances through the vakeel of government, to the dewanny adawlut within the jurisdiction of which, the lands on account whereof the arrears shall be due, may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter by a publication in writing, to deliver himself into

Judge upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

to the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindoostanee language and Nageree character, and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, or principal cutcherry in the estate on account of which the arrears may be due, at the office of the collector, and the court room of the dewanny adawlut of the zillah; and in the mean time, the collector is to cause the rents and revenues of the estate of the defaulter to be realized on behalf of government, in the manner specified in sections XIV and XV.

In what language the publication is to be written, and where, and when, it is to be fixed up.

XXIII. If the defaulter shall not surrender himself, before the expiration of the period limited in the publication directed to be made in section XXII; or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the collector may adduce in support of his representation, it shall be proved to the satisfaction of the court, that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter, and his heirs, in the estate on account of which the arrears may be due, forfeited to government. (e) If the defaulter shall not appeal from the decree to the provincial court of appeal, within the time limited for preferring appeals to that court in section XII, Regulation V, 1793, the court is immediately to transmit to the Governor General in Council, a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and the court shall confirm the decision of the city or zillah court, and the cause shall not be appealable,, to the Sudder Dewanny Adawlut, or, if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in section X, Regulation VI, 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the city or zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the city or zillah court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in sections IX and XX, or either of them, had been duly served upon him, and he had obeyed it, and the collector is immediately to obtain from the court, a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limitted time, and the provincial court should reverse the decision of the city or zillah court, and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut; or, if it shall be appealable, and an appeal should not be preferred within the limitted time, the provincial court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If the judge of the city or zillah court, shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decrees and proceedings of the city or zillah court, and provincial court of appeal, with a letter, stating his objections to the decrees of the latter court, to the Board of Revenue,

Decree to be passed by the court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the city or the zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings, to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed if the city or zillah court should adjudge the charge not proved.

Rule for cases in which the provincial court of appeal may reverse such decisions of the city or zillah courts.

Collector how to proceed if the charge should be judged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

(e) Quere. Whether the discretion vested in the civil courts by R. 9, of 1799, S. 3, in cases of resistance of their process, to substitute a fine instead of the forfeiture of estate or farm, can be considered to extend to cases occurring under this section?

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who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the provincial court, and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council.

Rule for determining from what decrees of the provincial court of appeal passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

That no doubt may be entertained from what decrees passed by the provincial court of appeal, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculated according to the amount paid or payable by the putteedars, distinct or common, under farmers, and ryots, to the defaulter, on account of the year in which the decision of the city or zillah court may be passed, shall exceed one thousand sicca rupees; (f) and the collector is enjoined to insert generally in the representation which he is directed to make to the dewanny adawlut of the city or zillah in section XXII, whether the produce of the estate on account of the year abovementioned, according to the best information he may have been able to obtain, exceeds or falls short of one thousand sicca rupees; but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limitted period, and the collector shall have stated the produce of the estate to be under one thousand sicca rupees, and the defaulter shall not deny the truth of the collector's statement in his answer to the charge, and the cause should be afterwards brought before the provincial court of appeal, an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the collector shall represen that the produce of the estate for the year beforementioned, exceeds or falls short of one thousand sicca rupees, and the defaulter should appear within the limitted time, and in his answer to the charge, object to the statement, the judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the provincial court of appeal, and no objection be offered by either party to the decision of the city or zillah court on the collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the provincial court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the provincial court should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal, should depend upon the produce of the estate for the year beforementioned, exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut, is to examine the decisions passed by the dewanny adawlut of the city or zillah, and the provincial court of appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable.

Decrees passed under this section not to be carried into execution, without the sanction of the Governor General in Council.

Decrees that may be passed under this section, by the dewanny adawlut of any city or zillah, or the provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to government, shall not be carried into execution in any case whatever, without an order from the Governor General in Council, confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of.

If the estate is decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture

It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine, as upon a consideration of

(f) Five thousand rupees, instead of one thousand, is now the standard sum for determining appeals to the Sudder Dewanny Adawlut from the provincial courts of appeal, under this section. See R. 5, of 1798, S. 2, and R. 5, of 1800, S. 23.

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the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it, by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the defaulter. (g) The process which a collector may institute against a defaulter in the court of dewanny adawlut of the city or zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred to the provincial court of appeal, or from the decree of the provincial court, to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the vakeel of government, whom the collector is to furnish with the necessary instructions.

for a fine within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final if not ordered to be executed, or commuted for a fine within the time abovementioned.

Process and appeals instituted under this section, to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XXIV. If the defaulter mentioned in section XXII, shall be allowed to retain the proprietary right in his estate, government is to account to him for the amount received from it during the sequestration, and if it shall exceed the public revenue that was due from the estate, the expenses attending the sequestration, and the fine which may be imposed on the defaulter, the overplus is to be returned to him. If the sum received through the officers of government appointed to make the collections during the sequestration, shall be inadequate to the payment of the several demands abovementioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

Proceeds of the estate of the defaulter whilst attached, to be accounted for to him if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

XXV. If the decree adjudging the proprietary right in the estate of the defaulter forfeited, shall be confined under section XXIII, it shall be at the option of the Governor General in Council, either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it; or, to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released, if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of government, either on account of the public revenue, the expense attending the deputation of the aumeen, or other native officer appointed to make the collections, or other charges incurred, in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due, and the proceeds shall exceed the amount of it, the whole of the proceeds in the first mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor General in Council may direct.

If the forfeiture should be confirmed, the Governor General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

XXVI. If the party, (being a farmer,) against whom the collector shall have issued his process at the instance of the tehseeldar, as prescribed in section XX, shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or, if in the first instance, the collector shall have issued the process prescribed in section IX, against any huzoory farmer, on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to jail, or escape, after being taken by them into

Collector how to proceed, if a farmer refuses to obey or resists the process issued by him under section XX, or escapes from the peons, or prevents the process being served upon him.

(g) See the latter part of S. 3, R. 9, of 1799, modifying certain rules in R. 4, of 1793, and R. 8, of 1795, of the same tenor as the clause in this section. Whether extensible to the present clause?

custody,

custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector is immediately to represent the circumstances through the vakeel of government to the dewanny adawlut of the city or zillah, wherein the lands on account of which the arrears shall be due, may be situated, and upon the peon or peons deputed to execute the process, or any two or more credible persons making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the farm, and in the office of the collector, and the court room of the dewanny adawlut, and in the mean time the collector is to cause the rents and revenues of the farm of the defaulter to be realized on behalf of government, as prescribed in sections XIV and XV. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or, if he shall deliver himself up within the prescribed time, and after receiving his answers to the charge, and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Fussily year, in which the decree may be passed. *(h)* If the defaulter shall not appeal to the provincial court of appeal, within the time limitted for preferring appeals to that court, in section XII, Regulation V, 1793, the court is immediately to transmit to the Governor General in Council, a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court shall confirm the decision of the city or zillah court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah, court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the city or zillah court, shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in sections IX and XX, or either of them, had been duly served upon him, and he had obeyed it, and the collector is immediately to obtain from the court, a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision to the Board of Revenue, who are to order the collector to appeal from it or not as may appear to them proper If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the city or zillah court, and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council.

Judge upon the charge appearing to him well founded,

to issue a publication requiring the defaulter to deliver himself up to the court in four weeks.

In what languages the publication is to be written, and where, and when, it is to be fixed up.

Decree to be passed by the city or zillah court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the city or zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter's not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable. Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed if the city or zillah court should judge the charge not proved.

Rules for cases in which the provincial court of appeal may reverse such decisions of the city or zillah courts.

(h) See the note *(e)* to S. 23 of this regulation.

Council. If the judge of the city or zillah court shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decrees and proceedings of the city or zillah court, and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court, and adjudge the lease annulled, the court is immediately to transmit a copy of the decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial court of appeal under this section, an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last mentioned court, unless the jumma paid or payable to government by the defaulter, on account of the year in which the decree of the city or zillah court may be passed, shall exceed one thousand sicca rupees, *(i)* and the collector is enjoined to state generally in the representation which he is above directed to make to the city or zillah court, whether the jumma paid or payable by the defaulter in such year, exceeds or is less than one thousand rupees, but without specifying the exact amount of it; and the rules prescribed in section XXIII, regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the collector is therein directed to present to the city or zillah court, are to be held applicable to the statement of the jumma payable by defaulting farmers required to be submitted by the collector in this section. Decrees that may be passed under this section, by the dewanny adawlut of the city or any zillah, or the provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine, as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or, if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements, until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. But if the Governor General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed, or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. *(j)* The process which the collector may institute in the dewanny adawlut of the city or any zillah, under this section, as well as any appeal that may be preferred from the decision of the city or zillah court, to the provincial court of appeal, and from the decision of that court, to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended and carried on at the public expense, and by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

Rules for cases in which the charge may be judged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

Rule for determining from what decrees of the provincial courts of appeal passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section, not to be carried into execution without the sanction of the Governor General in Council.

If the lease shall be adjudged annulled, the Governor General in Council may confirm the decree, or commute the annulling of the lease for a fine within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section, to be conducted by the vakeel of government on the part of the collector, and at the public expense.

(i) See the note *(f)* to S. 23 of this regulation.

(j) See the note *(g)* to S. 23 of this regulation.

Accounts with the defaulter, how to be settled if the lease should be annulled.

Balance if any due, to be levied from him and his surety.

XXVII. If the lease of the defaulter mentioned in section XXVI, shall be annulled, he shall receive credit for the collections made by the officers of government, after deducting the charges incurred which may be admitted, and if any balance shall then remain due from him to government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector is to serve the surety with the written demand *(k)* for the amount; requiring it to be paid at the treasury of the collectorship, within a certain number of days after the day on which the writing may be served by the peon to be deputed for that purpose, and in the event of its not being discharged by the time limited in the writing, the collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming, and should not have been previously confined, in the manner in which he is directed to proceed in section XI, against defaulters in arrear on account of revenue. If there shall be a surplus after discharging all the demands abovementioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the city or zillah court, the talookdars, zemindars, putteedars, distinct and common, and the under farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue, that may be due from them to him, on account of the period during which his lease remained in force.

Surplus if any to be paid to the defaulter.

Defaulter to be at liberty to prosecute any proprietors, farmers or ryots, for arrears in the dewanny adawlut of the zillah or city.

Collector how to proceed, when sureties of proprietors or farmers of land, refuse to obey, or resist the process issued by him under section XX, or escape from the peons, or prevent the process being served upon them.

XXVIII. If the party, (being a surety), against whom the collector shall have issued his process at the instance of the tehseeldar, as prescribed in section XX, shall refuse to obey, or resist, or avoid compliance with the requisition of the process, or if in the first instance, the collector shall have issued the process prescribed in section IX, against the surety of any proprietor or farmer of land, and such defaulting surety, shall refuse to obey, or resist, or cause to be resisted, the peons thus deputed by the collector, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector is thereon immediately to represent the circumstances through the vakeel of government, to the dewanny adawlut of the city or zillah, in the jurisdiction of which the lands on account whereof the arrears shall be due may be situated, and upon the peon or peons deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court, within four weeks calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, and in the principal cutcherry in the estate or farm, the office of the collector, and the court room of the dewanny adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine according to the nature of the offence, and his situation and circumstances in life. If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court, in section XII, Regulation V, 1793, the court is immediately to transmit to the Governor General in Council, a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the pro-

Judge upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court within four weeks.

In what languages, the publication is to be written, and when and where it is to be fixed up.

Decree to be passed by the city or zillah court in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

(k) See the provisions of R. 18, of 1814, explaining and modifying the rules relative to the demand of arrears of public revenue.

vincial

vincial court of appeal within the prescribed time, and that court should confirm the decision of the city or zillah court, or if the case shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limitted for preferring appeals to that court, in section X, Regulation VI, 1793, the provincial court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the city or zillah court, shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in sections IX and XX, or either of them, had been duly served upon him, and he had obeyed it; and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court of appeal should reverse the decision of the city or zillah court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable, and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedngs in the appeal, and of the decree and proceedings of the city or zillah court, to the Governor General in Council. If the judge of the city or zillah court, shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decree and proceedings of the city or zillah court, and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court, and confirm that of the city or zillah court, the Sudder Dewanny Adawlut is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the provincial court, to the Governor General in Council. And that no doubt may be entertained from what decrees passed by the provincial court of appeal under this section, an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the fine adjudged to be paid by the defaulter shall exceed one thousand sicca rupees. (l) Decrees that may be passed under this section by the dewanny adawlut of the city, or any zillah, or the provincial court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it, by the same process by which it is directed to enforce decrees of the court, and to pay the amount to the collector. But if the Governor General

If the defaulter should appeal, and the decision of the city or zillah court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed, if the city or zillah court should judge the charge not proved.

Rules for cases in which the provincial court of appeal may reverse such decision of the city or zillah court.

Rules for cases in which the charge may be adjudged proved in the city or zillah court, and the provincial court of appeal shall reverse the decision.

Sudder Dewanny Adawlut how to proceed, in the event of its reversing such decision of the provincial court.

Rule for determining from what decrees of the provincial court of appeal passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section, not to be carried into execution without the sanction of the Governor General in Council.

Option reserved to the Governor General in Council of confirming or alleviating the fine, within four weeks after the decree may be received by him.

If the fine shall be confirmed or alleviated, by what court, and how it is to be levied.

(l) Five thousand rupees instead of one thousand is now the standard sum for determining appeals to the Sudder Dewanny Adawlut from the provincial court of appeal under this section. See R. 12, of 1797, S. 2, and R. 5, of 1800. S. 23.

neral in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed, or alleviate the fine, the decree shall stand good against the defaulter, and the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. *(m)* The process which the collector may institute in the dewanny adawlut of the city or zillah under this section, as well as the appeals that may be preferred from the city or zillah court to the provincial court of appeal, and from the decision of that court, to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended or carried on by the vakeel of government, and at the public expense.

Process and appeals instituted under this section, to be conducted by the vakeel of Government, on the part of the collector, and to be carried on at the public expense.

XXIX. Although in the ordinary course of the collections, the transfer or sale of landed property for balances, must, of course, take place for the most part towards the end of the year, yet nothing in this regulation, is to be construed to preclude the Governor General in Council, from ordering the sale of the lands of a defaulting proprietor of land, who may not have instituted a suit to contest the arrears, whether he may be in confinement or not, to be made at any time previous to the close of the year in which the arrears may become due, should it in any case appear to him inexpedient to postpone the sale until after the expiration of it. And at whatever period the sale of the lands of a proprietor in confinement may be ordered to take place, if the arrear shall not have been adjudged to be due from him by a decree of a court of justice, and provided he shall previous to the day of sale, deny the justness of the whole or a part of the arrear under his engagements, and give the security required in section XVI, the sale of his lands is not to be made until the cause shall be finally decided. If the sale of the lands shall have been ordered to be made at Calcutta, the proprietor is either to give the required security to the Board of Revenue, previous to the day of sale, or to the collector of the district, ten days prior to the day fixed for the sale, so that there may be sufficient time for him to notify the acceptance of the security to the Board of Revenue. The collector is not to accept of the security, unless he shall be satisfied that it is good and sufficient. If he shall accept of the security, he is to forward notice of the acceptance of it to the Board of Revenue, in duplicate, by two different posts, to provide against the non arrival of the notice which may be first dispatched. If the sale of the lands shall be ordered to be made by the collector of the district, he is empowered to suspend it, upon such security being delivered to him previous to the sale. But he is immediately to report the circumstances to the Board of Revenue, for the information of the Governor General in Council. *(n)* If the Governor General in Council shall annul the lease of any farmer in arrear under section XXVIII, the defaulter is to be at liberty to prosecute the talookdars, zemindars, putteedars, distinct or common, or under farmers, or ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Governor General in Council not precluded from ordering the lands of a defaulting proprietor to be sold, before the conclusion of the year, whether he be in confinement or not.

Sales of land of proprietors in confinement for arrears, which have not been adjudged to be due by a judicial decree, whenever ordered to be made, to be suspended, if the proprietor shall deny the arrear to be due, and give the security required in section XVI.

Where and when such security is to be given, in the event of the sales being ordered to be made at Calcutta, or in the district.

Dispossessed farmers may prosecute for the arrears due to them.

XXX. When a collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this regulation, he is immediately to cause such portion of the surety's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in section XIV and XV, for the attachment of the lands of defaulting proprietors. *(o)* If the surety shall not possess any landed property within the province of Benares, but shall possess lands in either of the provinces of Bengal,

Collector to attach lands of sureties whom he may proceed to confine, sufficient to answer the demand against them.

How the collector is to proceed if the surety possess no lands in the province of Benares.

(m) See the latter part of S. 3, R. 8, of 1799, modifying certain rules in R. 4, of 1793, and R. 8, of 1795, of the same tenor as the clause in this section. Whether extensible to the present clause?

(n) The report to the Governor General in Council of the suspended sale is unnecessary under the provisions of R. 18, of 1814.

(o) See R. 1, of 1801, S. 2, and 6, which prohibit the attachment of estates during the three first months of the year, without the express sanction of the Commissioner, and the attachment of a portion of an estate instead of the whole, and the subdivision of estates by sale for arrears of revenue in certain cases.

Behar,

Behar, or Orissa, the collector is to depute an aumeen into the zillah in which such property may be situated, with a letter, specifying the amount of the demand on him, and the property to be attached. The collector of such zillah, is immediately to order a peon to point out the property to the aumeen, who is to keep it in attachment, until the Board of Revenue shall have obtained the sanction of the Governor General in Council for the sale of it. *(p)* The aumeen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached, shall be too inconsiderable to admit of its being charged with the expense of an aumeen, the collector to whom the money due from the surety may be payable, is to apply to the collector of the zillah, in which the lands may be situated, to order the nearest tehseeldar or native officer employed under him in the business of the collections, to take charge of the lands, and the collector to whom the application shall be made, is to comply with it; and the tehseeldar or native officer to whose charge he may commit the lands, is to perform the duties prescribed to the aumeen in section VI, regulation XIV, 1793, and under the same restrictions and penalties. The collector of the zillah in which the lands may be situated, is not to be liable to any prosecution on account of the attachment, but the collector in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction. The Board of Revenue are to apply to the Governor General in Council, for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable. *(p)*

Board of Revenue to apply for permission to sell the lands of the surety.

XXXI. When lands are ordered to be sold under this regulation, the collector, (unless the lands shall have been previously committed to the charge of a tehseeldar, or other native officer, in which case, such officer is to perform the duties hereafter specified in this section,) is immediately to issue instructions to the tehseeldar of the purgunnah, to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in section XV, and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.

Collector to attach lands ordered to be sold.

XXXII. Sales of lands that may be ordered to take place under this regulation, are to be made by the collector in his public office, or at Calcutta, in the office of the Board of Revenue, under the superintendence of their secretary, according as the Governor General in Council may direct. *(q)* Previous to any such sale taking place, a publication is to be made in the Persian language, and the Hindostanee language and Nageree character, specifying the jumma at which the lands, or each lot of them, if they are ordered to be sold in two or more lots, will be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible; or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court room of the dewanny adawlut of the city or zillah, the office of the collector, the principal town or village in the lands to be

Where sales of land that may be ordered to take place under this regulation shall be made.

Publication of notice of such sales where to be made, and what it is to contain.

(p) The previous sanction of the Governor General in Council is not necessary for the sale of lands on account of arrears of revenue, which may be ordered and take place at the discretion of the Commissioner. See R. 18, of 1814.

(q) Modified by R. 18, of 1814, S. 4. The place of sale for lands ordered to be sold for arrears of revenue are left to the entire determination of the Commissioner.

sold

sold, and the office of the secretary to the Board of Revenue. The publication is to be fixed up at the several places abovementioned for a term not less than one month before the sale takes place. All expenses attending the sale are to be deducted from the proceeds of the sale. The other conditions of sale hereafter specified, as well as any special stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it. *(r)*

Expenses of the sale from whence to be defrayed. Other conditions of sale, where, and for what period to be fixed up.

XXXIII. A deposit of five per cent *(s)* on the amount of the purchase money, is to be made at the time of the sale, by every purchaser of land that may be disposed of under this regulation. If the purchaser shall omit to discharge the purchase money within the period which may be stipulated, he is to forfeit the deposit to government, and the lands are to be resold at his expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the defaulter. If the first purchaser shall refuse or omit to make the deposit, or to pay, within the required time, the amount of the deficiency, and the expenses arising on the re-sale, after being served by the collector, in whose jurisdiction he may be, or reside, or by the Board of Revenue if he shall be in Calcutta, with a written demand for the amount, for non compliance with which, such defaulting purchaser shall be considered exactly in the same predicament, as sureties of proprietors or farmers of land, who omit or refuse to discharge any sum of money due from them, and he is to be proceeded against accordingly by the collector of the district, or of the zillah, in which he may be, or reside. *(t)*

Penalty for purchasers not paying the purchase money by the stipulated period.

How such penalty is to be levied.

XXXIV. The purchasers of lands sold under this regulation, are not to be held responsible for any arrears or suspensions of revenue, that may be due to government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid by the former proprietor, and recourse is to be had to the remainder of his real, or to any other property, which he may possess, or to the confinement of his person, or to both his person and property, for the recovery of the amount. Arrears of rent or revenue that may be due to the defaulting proprietor, from his under farmers, or ryots, preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the dewanny adawlut of the city or zillah. The defaulting proprietor however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Purchasers of lands under this regulation, not to be responsible for arrears or suspensions on account of former years, unless otherwise stipulated in the conditions of sale.
By whom such arrears and suspensions are to be made good.

XXXV. Any person confined for arrears of revenue, or other demands of government under this regulation, either pursuant to a judicial decree, or without such decree, is to be at liberty to apply to the judge of the court of dewanny adawlut of the city or zillah, to require the collector to shew cause why he is continued in confinement. If the person making such application, shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the city, or a zillah court, or the provincial court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the judge is not to enter into the merits of the case, but only to enquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the collector is empowered by this regulation to observe, before conveying persons to jail for claims of government, and he shall dispute the justness of the demand, the judge is

Judge empowered to require the collector to show cause why any defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

(r) See additional provisions regarding the public sale of lands in R. 7, of 1799, S. 29 and 30, R. 5, of 1796, (both extended to the province of Benares by R. 5, of 1800, S. 26 and 27,) and in R. 12, of 1796.

(s) Increased to fifteen per cent by R. 12, of 1796, S. 2.—

(t) See additional provisions regarding purchasers of land at public sales, in R. 1, of 1801, S. 10.—

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not to enquire into the merits of the case, unless the party should renew his complaint, after the expiration of the period during which the collector, by the discretionary power vested in him by section XI, is authorized to confine parties in arrear, which rule is hereby extended to demands on sureties and purchasers of land as far as it can be applied to them. If however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the court under section XVI, the judge is to proceed to enquire into the merits of the case. Upon examination of the prisoner's accounts of his payments, if it shall appear to the judge that the demands for which he may be in confinement, have been liquidated, he is to release him, upon his giving security to make good any sum which the collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favor of government. If the collector shall not object to the adjustment of accounts made by the court, or if he shall object to them, and the person confined shall omit to give the security above required, and the collector shall not appeal within the time limited for preferring appeals, the judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments during the course of one year after his release. The collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under section XVI, and this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals. The rules prescribed to the collector in the following section, respecting the decisions therein specified, are to be considered applicable to all decisions passed under section XVI, and this section.

Rule applied where a person is confined without a judicial decree.

XXXVI. Upon a decision being passed in the dewanny adawlut, by which the whole or any part of a sum of money that may have been demanded, or actually received by the collector, as an arrear of revenue under this regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the collector is to apply immediately to the court through his own vakeel, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree, to be delivered to the collector with all practicable dispatch. The collector is to forward the papers without delay to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the collector to appeal the cause to the provincial court of appeal. If that court shall confirm the decision of the city or zillah court, the collector is to apply for, and the court is to grant, a copy of their proceedings in appeal, exclusive of the decree and proceedings received from the city or zillah court. The collector is to forward the decree and proceedings of the provincial court, to the Board of Revenue, with a letter, containing his objections to the decree of that court. If the Board shall be dissatisfied with the decision of the provincial court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the collector to prefer an appeal to that court. If the Board of Revenue are satisfied with the decision of the provincial court of appeal, they are to direct the collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the collector to prefer an appeal to the provincial court, the collector is to be indemnified by government for all costs and damages that may have been awarded against him by the city or zillah court. On the other hand, if the Board of Revenue shall deem the decision of the city or zillah court equitable, and not direct an

Collector how to proceed in case of his being cast in a prosecution instituted against him in the city or zillah court, on account of sums demanded or received by him, as arrears of revenue.

Collector to be indemnified for all expenses incurred in suits in the city or zillah court from decisions from which the Board of Revenue may direct an appeal.

an appeal, the collector is to defray all the costs and damages that may have been awarded against him in that court. The collector is nevertheless to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the collector may be engaged, either in the provincial court of appeal, or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the vakeel of government, and at the public expense. *(v)*

If persons prosecuting under section XVI, shall be cast, and appeal, the collector is to nominate one of the vakeels of the provincial court of appeal, to defend the appeal.
If the decision of the city or zillah court, should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the collector is to appoint one of the vakeels of the court to defend the appeal.
Collector how to proceed, if the provincial court should not confirm the decision of the city or zillah court
Board of Revenue to order the collector to appeal, if they think the decision of the provincial court not well founded.
If the Board of Revenue shall not direct an appeal, the collector is to be at liberty to appeal, but at his own risk.
All appeals preferred by the collector under this section, agreeably to the orders of the Board of Revenue, to be carried on by the vakeel of government, and at the public expense.

XXXVII. If a collector shall be prosecuted under section XVI, and the prosecutor shall be cast, or be dissatisfied with the decision of the judge of the dewanny adawlut of the city or zillah, and appeal to the provincial court of appeal, the collector is to appoint one of the vakeels of the court to plead the cause. If the decree of the city or zillah court shall be confirmed, or the appellant should be dissatisfied with the decision of the provincial court of appeal, and appeal to the Sudder Dewanny Adawlut, and an appeal shall be admitted, the collector is to appoint one of the pleaders in that court to defend the suit. If the provincial court of appeal shall not confirm the decision of the city or zillah court, the collector is to apply to the provincial court for a copy of the proceedings and decree of the city or zillah court, and of their proceedings and decree in the appeal. The courts are to furnish the collector with these papers with all practicable dispatch, and the collector is to forward them to the Board of Revenue, with a letter, stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the provincial court is not well founded, they are to authorize the collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the provincial court of appeal, the collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that court, in the event of his being cast. All appeals that may be preferred by the collector to the provincial court of appeal, or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense, and conducted by the vakeel of government, who is to be furnished with the necessary instructions for that purpose by the collector. *(v)*

Collector to appoint vakeels of the city or zillah court, to defend suits preferred against him under this regulation, and to nominate vakeels of the court of appeal to carry on appeals, which he may have preferred without the orders of the Board of Revenue.

XXXVIII. In every case in which a collector may be prosecuted in the dewanny adawlut, of the city or any zillah, under this regulation, for sums demanded or received by him on behalf of government, from any proprietor or farmer of land, or from any surety, or from any purchaser of land, or for any sums demanded, or received, or taken by him, directly or indirectly, for his own use, from any of the abovementioned descriptions of persons, over and above what he may be entitled to demand on behalf of the publick, or for any acts done in his official capacity, that may be repugnant to this regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized vakeels of the court before which the suit may be brought, to plead the cause. *(u)*

What suits instituted against a collector under this section, are to be considered of a personal and private nature, and how he is to defend them.

XXXIX. In prosecutions that may be instituted in the dewanny adawlut of the city or any zillah, against the collector of the province, for sums of money demanded, or directly or indirectly received, or taken by him, for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land, or for any acts done in his official capacity, that may be repugnant to this regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demand-

(v) See R. 2 of 1814, for modifying the rules before established for the trial of suits proposed to be instituted against any of the public officers who have been declared amenable for acts connected with the discharge of their official duties to the jurisdiction of the courts of civil judicature.

(u) See R. 17, of 1813, for amending the rules before enacted for the conduct of inquiries into charges and complaints preferred against European public officers.

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ed by him on behalf of government, in conformity to this regulation, (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this regulation,) the collector is not to forward the decree and proceedings to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature, between the collector and the prosecutor, and the collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the courts, and not employed by government, are required to defend suits instituted against them. *(w)*

Collector not to derive any pecuniary advantage from suits in which he may be engaged, except in the cases specified in section XXXIX, nor to suffer any loss, if his conduct is determined to be conformable to this regulation.

XL. The collector is not to derive any pecuniary advantage whatever from suits that he may institute, or which may be preferred against him, in any of the courts of justice, in his official capacity, with the exception of suits in which he may be engaged under the preceding section, the sums awarded to him in which, he is to apply to his own use. On the other hand, it is not intended, that the collector should sustain any loss in levying the dues of government, in cases in which his conduct may be adjudged by a final judicial decree to be conformable to this regulation. The collector is accordingly to bring to the credit of government in his monthly accounts, all sums whatever, (with the exception above specified,) that may be adjudged to him as costs or damages, by any of the courts of civil justice; and he is to insert at the foot of his monthly accounts, or in a separate account, or in his monthly accounts, under a distinct head, according as the Board of Revenue may deem advisable, all sums which he may disburse in conformity to this regulation, on account of process or suits directed to be carried on by the vakeel of government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits, the costs and damages in which may be ultimately defrayable by government, but for which the collector is directed to be held responsible in the first instance. But he is in no case to charge these disbursements in his accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the collector is to be held answerable for the disbursements.

Collector to bring to account all costs and damages that may be adjudged to him with the exception above specified.

Collector to issue from the public treasury, and note in his accounts, the expenses of suits that are at all events to be defrayed by government, as well as the expenses of suits that may be ultimately defrayable by government, but not to insert such expenses in his accounts, without the sanction of the Board of Revenue.

Board of Revenue to report to the Governor General in Council, any cases in which a collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XLI. If a collector shall have been compelled to pay costs or damages in any suit under this regulation, and upon his stating the case to the Board of Revenue, it shall appear to them upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor General in Council, who will determine whether the collector shall be made responsible for such costs or damages, or not.

Cases in which security is to be demanded from the collector for costs or damages, or for the performance of decrees of the court.

XLII. Security is not to be demanded from the collector for his personal appearance, in any suit in which he may be engaged under this regulation. Nor shall any security be required from him for the payment of the costs, or for the performance of the decrees or orders of the court, in suits which are directed by this regulation to be carried on by the vakeel of government, and at the public expense. In suits for sums demanded or received by the collector on behalf of government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him, for the performance of their decrees respecting the sums which may constitute the subject of the suits, as government will be answerable for the due performance of them. In the suits described in section XXXIX, which may be instituted against the collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a collector shall refuse or omit to pay within the limitted period, any sum of money that may be ordered to be levied from him, either on account of the suits described in section XXXIX, or as costs or damages in any other suits for the expenses incurred in which he is declared eventu-

(w) See R. 17, of 1813, for amending the rules before enacted for the conduct of inquiries into charges and complaints preferred against European public officers.

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ally responsible, the court is to levy the amount from his surety, by the customary process. If the court shall not be able to obtain payment from his surety, the judge is to report the circumstances to the Governor General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the collector from government. In all other cases, if a collector shall omit or refuse to obey any order or decree of a court of judicature, the court from which the process shall have issued, is to fine him according to the nature of the offence. In the event of the collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such collector from government.

Court how to proceed in the event of a collector omitting or refusing to obey any order or decree.

Board of Revenue to issue instructions to the collector regarding the mode of inserting or not inserting in his accounts his receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

XLIII. The Board of Revenue are to issue such instructions as they may think advisable to the collector, regarding the mode of inserting in his monthly accounts, the sums which may be paid to him as costs and damages, in consequence of the orders or decrees of any of the courts of civil judicature, or noting at the foot of his accounts, or charging under a separate head in his monthly accounts, the sums which he may disburse as costs or damages, which are expressly directed to be defrayed by government, whatever may be the final decision in the cause, or that may be ultimately defrayable by government, although in the first instance the collector is to be held responsible for them, and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the publick.

Process issued against collectors under this regulation how to be served.

XLIV. When any process or order shall be issued by any of the courts of civil judicature to the collector, in suits instituted under this regulation, the register of the court immediately serving the process or order, is to transmit it under a cover, sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the collector. The collector is to acknowledge the receipt of the process or order on the day on which he may receive it, by a letter addressed to the register of the court by which it may have been served.

Collectors allowed to forward instructions to their vakeels in the courts of appeal, by the dawk, free of postage.

XLV. To facilitate the communication between the collector, and the vakeels in the provincial court of appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals, (including appeals from decisions in the suits described in section XXXIX,) in which the collector may be engaged under this regulation, either whilst he may continue in the office of collector of the district in which the suits may have arisen, or after his removal from the office, the collector is permitted to forward free of postage, any instructions regarding such appeals, which he may have to transmit to the vakeels of those courts. The instructions are to be enclosed under cover, sealed and directed to the vakeel. The instructions so sealed and directed, are to be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and superscribed with the name, and the official appellation of the collector, or that which he bore when the cause of action arose. The register of the court, immediately upon receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. Any person who may be removed from the office of collector of the province, and who may have a suit or suits depending in the dewanny adawlut of the city, or any zillah, after his removal from the office, is likewise empowered to forward instructions to his vakeel, respecting such suit or suits, through the register of the court. In like manner, the vakeels in any of the courts to whom the pleading of suits may be committed under this regulation, by persons holding the office of collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel, and the register of the court is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom

Instructions to be sealed and enclosed under a sealed cover, addressed to the register of the court.

Persons removed from the office of collector, and having suits depending in the city or zillah court, empowered to forward instructions to their vakeels by the public dawk, and through the register of the court.

Vakeels in any of the courts employed by collectors under this regulation empowered to forward papers, to their constituents free of postage, through the register of the court in which the cause may be depending.

whom they are to be forwarded, and superscribe the cover with his official signature.

Sums advanced as tuccavy, or poolbundy, &c. to be recovered under this regulation in the same manner as arrears of revenue.

XLVI. Arrears of tuccavy, or any money advanced by government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process, as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

Collector not to be liable to prosecution for the acts of his predecessors. What suits persons removed from the office of collector are bound to prosecute or defend after their removal.

XLVII. No collector is to be liable to prosecution for any official acts of his predecessor. But persons who may be removed from the office of collector of the revenue of the province are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in section XXXIX, in which they may be engaged, and all suits preferred against them in the city or any zillah court, for sums that they may have demanded or received on behalf of government, and for the costs and damages in which they are declared eventually answerable; as well as all suits, being appeals from decisions in suits of the last mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collector to carry on the unfinished suits and process herein specified, which may have been instituted under his predecessors.

XLVIII. If the collector of the province of Benares shall die, or be removed from his office, his successor is to carry on all unfinished process or suits in the courts of dewanny adawlut, directed by this regulation to be conducted by the vakeel of government, and at the public expense; and all appeals from the decrees of the city court, or the zillah courts, or the provincial court of appeal in such cases; as also all appeals from the decrees of the city and zillah courts, or the provincial court of appeal, in which the former collector may have been engaged, in consequence of orders from the Board of Revenue, and which are directed to be pleaded by the vakeel of government, and at the public expense.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals, in the Sudder Dewanny Adawlut.

XLIX. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal, in the Sudder Dewanny Adawlut, which a collector may prefer or be engaged in pursuant to their orders, instead of leaving the superintendence of the appeal to him.

If the proceeds of the sale of the malguzarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

L. If the lands subject to the payment of revenue to government, belonging to any defaulting proprietor or farmer of land, or any surety, or purchaser of land, which may be sold under this regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess, is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be attached, and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or otherwise, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place, and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

Expenses attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

City and zillah courts how to proceed in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the collector, or have any objections to make to the engagements, either

LI. If a proprietor, or farmer, or a surety, or a purchaser of land, shall deem himself aggrieved under this regulation, by any act which may be done by the collector, in conformity to special orders from the Governor General in Council, or the Board of Revenue, or if the collector shall demand a sum of money under this regulation, on behalf of government, from any of the abovementioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the collector may make the demand, but deny their

validity,

wholly or partially under this regulation, or deem themselves aggrieved by acts done by the collector in conformity to special orders from the Governor General in Council, or the Board of Revenue.

validity, or have any objections to make to them, either wholly or in part, under any regulation passed by the Governor General in Council, and printed and published in the manner prescribed in Regulation XLI, 1793, the collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements, or stipulations, which are to be held valid, until they are set aside, or altered by a final judicial decision; and the proprietor or farmer of land, or surety, or purchaser of land, is to discharge the demands that may be made upon him by the collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety, or purchaser, is to present a petition to the judge of the dewanny adawlut of the city or zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements, or stipulations, and praying that the Governor General in Council will order the dewanny adawlut of the city or zillah, to try the points or matters contested under the regulations. The judge to whom the petition may be presented, is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable, to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The collector is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against government in conformity to this section, and to issue the necessary instructions to the vakeel of government, in the city or zillah court, and in the provincial court of appeal, or the Sudder Dewanny Adawlut, should the cause be appealed to the former, or both of those courts. In the event of government being cast in the city or zillah court, or in the provincial court of appeal, the collector is to send copies of the decree and proceedings of the court, (which are to be delivered by the court to the collector as soon as may be practicable, upon his applying for them,) with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor General in Council, who will order an appeal to be preferred from the decision or not, as he may deem advisable. All costs and damages that may be awarded against government in suits instituted under this section, are to be defrayed from the public treasury. *(x)*

Rules in this regulation regarding the collector, to be held applicable to the acting collector.

LII. The rules respecting the collector contained in this regulation, are to be considered equally applicable to the assistant to the collector, or any other person who may be appointed by the Governor General in Council to officiate as collector, during the temporary absence of the collector, or whilst the office may be vacant.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this regulation for demands of government.

LIII. No part of this regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate, committed to the charge of a manager, (as is now the case with certain estates in the purgunnah of Kerenda,) whilst such manager remains responsible. Nor to empower the collector to take a female proprietor of land into custody, or order any such proprietor to attend him in person, under any pretext whatever.

(x) See R. 2, of 1814, for modifying the rules before established for the trial of suits proposed to be instituted against any of the public officers who have been declared amenable for acts connected with the dischaige of their official duties to the jurisdiction of the courts of civil judicature.

REGULATION VII.

A. D. 1795. REGULATION VII.

A REGULATION *for establishing a court of dewanny adawlut, or court of judicature for trying civil suits in the first instance, at the city of Benares, and at Mirzapore, Ghazeepore, and Juanpore, in the province of Benares, and for defining the jurisdiction and powers of those courts*—PASSED *by the Governor General in Council on the 27th March* 1795, *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

THE Governor General in Council being solicitous to extend to the inhabitants of the province of Benares, including those who resort to it through religious motives, the same security for the enjoyment of the privileges and immunities which have been conferred upon them, as is experienced in similar respects by the inhabitants of the provinces of Bengal, Behar, and Orissa; and to ensure to them equal protection with regard to their persons and property; he has determined, on the grounds which induced him to new model the constitution of the courts of judicature in those provinces, as stated in the preamble to Regulation III, 1793, to abolish the courts of judicature in the province of Benares now superintended by native judges, (which were originally established with a view to the introduction of a more perfect system of administering the laws,) and in lieu of them, to erect courts for the trial of civil suits in the first instance, constituted upon the same principles, and vested with the same powers, as the city and zillah courts in the three provinces abovementioned. The following rules have been accordingly enacted.

Courts of dewanny adawlut to be denominated after the city or zillah for which they are respectively established.

II. *First.* A court of dewanny adawlut, or court of judicature for the trial of civil suits in the first instance, shall be established in the city of Benares, and at Mirzapore, Ghazeepore, and Juanpore, and each court shall be denominated after the city or zillah in which it may be established, as follows: *(y)*

Second. The court of dewanny adawlut to be established in the city of Benares, shall be denominated, *the court of dewanny adawlut for the city of Benares.*

Benares, Mirzapore, Ghazeepore, Jaunpore.

Third. The courts of dewanny adawlut to be established at Mirzapore, *Ghazeepore*, and Juanpore, are to be respectively denominated, *the court of dewanny adawlut for the zillah of Mirzapore, Ghazeepore, and Juanpore.*

The city, and each of the zillah courts to be superintended by one judge.

Oaths to be taken by the judges of the city and zillah courts.

III. The city court, and each zillah court, is to be superintended by one judge, who, previous to entering upon the execution of the duties of his office is to take and subscribe before the Governor General in Council, or any person whom he may commission to administer it, an oath similar to that prescribed to the judges of the city and zillah courts, in the provinces of Bengal, Behar, and Orissa, by section III, Regulation III, 1793.

Special jurisdiction of the city and zillah court.

IV. *First.* The special jurisdiction of the city court, and each zillah court, is declared to be as follows:

Jurisdiction of the city court.

Second. The jurisdiction of the dewanny adawlut of the city of Benares, is to extend throughout the undermentioned places.

The city of Benares, and its suburbs.

Those small divisions of territory contiguous to the city, known by the names of the talooks of Jalhoopoor, and Lhota, together with Chetaypoor, the amanut mehals, and Teekree.

(y) The zillahs of Allahabad and Goruckpore, which formed a part of the provinces ceded to the Company by the Nawaub Vizier, and the zillah of Bundlecund ceded by the Peishwa, have been annexed to the provincial court of appeal and court of circuit for the division of Benares: the courts, however, in those zillahs are guided in the administration of justice by the regulations passed for the Ceded and Conquered provinces. See R. 8 and 9 of 1804. The zillah of Ghazeepore has been discontinued, as appears by R. 14, of 1807, S. 10, C. 2.

The

The purgunnahs of Sheopoor.
Kutteher, and
Kuswar, as far as regards the divisions of it called Gungapoor, Kurowna, and Jukhnee, and Soorye Kerowte.

The purgunnahs of Atgowan or Hurhood,
Ralhoopoor,
Dhoos, and
Mohwy and Mehwary.

Jurisdiction of the zillah court of Mirzapore.

Third. The jurisdiction of the dewanny adawlut for the zillah of Mirzapore, is to extend throughout the undermentioned places.

The mundovee or mart of Mirzapore, and the limits thereof.

The purgunnah of Kuntit, consisting of its three tuppahs of Chowrassy Chehanovy, Ophrowde, and Kone,

The talook of Suktesghur,

The purgunnahs of Burhur Agowrie,
Bejehghur,
Budhoee,
Havily Chunar,
Bhugwut, or Putteeta, and
Kureeat Sekhur.

The talook of Mujehwa.

The purgunnahs of Ahroura,
Bhoilee, and
Kera Mungrore.

Jurisdiction of the zillah court of Ghazeepore.

Fourth. The jurisdiction of the dewanny adawlut of the zillah of Ghazeepore, is to extend throughout the undermentioned places. (z)

The town of Ghazeepore and its limits.

The purgunnahs of Havily Ghazeepore,
Zemanea,
Chownsa,
Burreh,
Mehayeh, or Mehaitch,
Bhurwul,
Mujehwar,
Nerwun,
Beleeah,
Syedpoor Beetree,
Sekunderpoor,
Khereed,
Kopachet,
Mahommedabad,
Gurha and Dehma,
Zehoorabad,
Pachoter,
Shadeeabad,
Behreeabad,
Kurrendeh,
Luknesr, and
Khanpoor.

The talooks of Cheet and of Feerozpoor.

Jurisdiction of the zillah court of Juanpore.

Fifth. The jurisdiction of the dewanny adawlut of the zillah of Juanpore, is to extend throughout the following places.

(z) This zillah has been abolished, as appears by R. 14, of 1807, S. 10, C. 2.

The

The town of Juanpore, and its limits.
The purgunnahs of Havily Juanpore,
Angoolee, and
Rauree, including the talook of Budlapoor.
The talooks of Kereeat Mehra,
Dowst,
Singramow,
Chundwuck or Dobehee,
Sreemoo Pessara,
Shah Gunge,
The other talooks included under the general denomination of the Mehalat Bukhsheeat.
The purgunnah of Pundraha,
The tuppeh of Guzara,
The purgunnahs of Kerakut,
Curwara,
Muchlee Sheher, or Ghessooa,
Mongra, and
Mureeahoo,
The talooks of Bursuttee, and
Gopalapore,
The purgunnahs of Bealsee, and
Kola-asla,
The talooks of Dowrooa, and
Bynsadeoray.

Sixth. The local jurisdiction above assigned to the city court, and to the three zillah courts, is to be subject to such alteration as the Governor General in Council, may occasionally judge expedient.

The local jurisdiction of the courts, liable to be altered by government.

V. The rules prescribed in section V, Regulation III, 1793, to the city and zillah courts, in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the city court, and the three zillah courts in the province of Benares.

Section V, Regulation III, 1793, extended to the city and zillah courts in Benares.

VI. The city court, and the three zillah courts, are each to use a circular seal, one inch and three quarters in diameter, with an inscription to the following effect, in the Persian language and character, and the Hindostannee language, and Nagree character, "The seal of the dewanny adawlut of the city (or zillah) of———." The seal of each court is to remain in the custody of the judge.

Seals of the courts.

Seals to remain in the custody of the judges.

VII. The jurisdiction, powers, and authorities, vested in the zillah and city courts, in the provinces of Bengal, Behar, and Orissa, by sections VII, VIII, *(a)* IX, X, XI, XII, XIII, Regulation III, 1793, are hereby vested in the city court, and the three zillah courts in Benares, and the rules contained in those sections, are to be considered equally applicable to the province of Benares, as to the provinces of Bengal, Behar, and Orissa.

Sections VII, VIII, IX, X, XI, XII, XIII, Regulation III, 1793, extended to Benares.

VIII. The city court, and the three zillah courts, are prohibited hearing, trying, or determining, the merits of any suit whatever, against any person or persons, to regain the possession of lands or grounds, if the cause of action shall have arisen previous to the 1st of July 1775, or any suit whatever, against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, unless the complainant can show by clear and positive proof, that he demanded the money or matter in question, and that the defendant admitted the truth of the demand, or promised to pay the money, or that he directly preferred his

Courts not to try the merits of any suit for lands or grounds where the cause of action shall have arisen before the 1st of July 1775.

Nor any suit where the cause of action shall have arisen twelve years before a suit or suits shall have been commenced for it.

(a) This section is rescinded or qualified by R. 13, of 1808, S. 2, whereby the jurisdictions of the city and zillah courts are restricted to regular suits not exceeding in amount or value the sum of sicca rupees five thousand.

Exceptions to the rule.

his claim within that period for the matter in dispute, to a court of competent jurisdiction, or to the hakim-ul-wokt, or person having authority, whether local, or otherwise, for the time being, to hear such complaints, to try the demand, and assign satisfactory reasons to the court, why he did not proceed in the suit, or show, that either from minority, or other good and sufficient cause, he was precluded from obtaining redress. But from this rule are excepted, all claims founded on bonds, which shall have been in a course of payment by instalments, or of which any proportion shall have been paid within twelve years previous to the institution of the suit; and also all claims on mortgages, the period for rendering which obsolete and unactionable, is to be determined by the law of the religion of the defendant. *(b)*

Further exceptions in respect to bonds and to mortgages.

Decrees not to be given for sums of money on bond which may be entered into after the 1st July 1795, which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given.

IX. The city court, and the three zillah courts, are prohibited decreeing the payment or satisfaction of any sum due on a tamassook or bond, which may have been entered into after the 1st of July 1795, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section, is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which, the custom of the country is to be abided by; nor to the dealings and money transactions amongst mehajins and shroffs, in which the established customs observed and in force amongst them, are to be adhered to by the courts in their enquiries and decisions.

Cases to which this restriction is not to extend.

Judges not to entertain suits which may have been decided by any former judge, or superintendent having competent jurisdiction.

X. The city court, and the three zillah courts, are prohibited entertaining any cause which from the production of a former decree, or, the records of the court, shall appear to have been heard and determined by any former resident, acting resident, or native hakim or superintendent of a court having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the judge is to report the circumstance to the Sudder Dewanny Alawlut, and wait the instructions of that court.

Doubts respecting the competency of the former jurisdiction, to be submitted to the Sudder Dewanny Adawlut.

Sections XVIII, XIX, XXI, Regulation III, 1793, extended to Benares.

XI. The rules prescribed to the city and zillah courts in Bengal, Behar, and Orissa, in sections XVIII, XIX, XXI, Regulation III, 1793, are hereby declared to extend to the city court, and three zillah courts in Benares.

An appeal to lie from the city and zillah courts to the provincial court of appeal under regulation IX, 1795. Exception to the rule. Judges to state in their decrees the grounds on which they may be passed.

XII. An appeal shall lie to the provincial court of appeal for the division of Benares, from the decisions of the city court and the zillah courts under Regulation IX, 1795, (excepting in the cases specified in clause fourth, section VI. Regulation XII, *(c)* 1795,) and the judges are invariably to state in every decree, the grounds on which it may be passed.

(b) R. 10, 1795, S. 9, vests in the Sudder Dewanny Adawlut a discretionary power to dispense with that part of this section which prohibits the courts from taking cognizance of claims preferred twelve years after their commencement. See R. 2, 1805, S. 2 and 3, explaining the existing limitation of time for the cognizance of suits in the civil courts.

(c) Here certainly is some mistake, as will be seen upon a reference to R. 12, of 1795.

REGULATION VIII.

A REGULATION *for extending to the province of* **Benares,** *with alterations and modifications,* **Regulation IV, 1793,** *entitled,* **A Regulation for receiving, trying, and deciding, suits or complaints declared cognizable in the courts of dewanny adawlut, established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad;** *and for exempting the Rajah of Benares, and the baboos of his family, and certain bankers, when defendants, from giving the security required from other defendants.*—Passed *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the* 16th *Chyte* 1201 *Bengal era; the* 22d *Chyte* 1201 *Fussily; the* 16th *Chyte* 1202 *Willuity; the* 22d *Chyte* 1852 *Sumbut; and the* 5th *Ramzaun* 1209 *Higeree.*

THE rules for receiving, trying, and deciding suits or complaints, prescribed to the courts of dewanny adawlut in the cities and zillahs, in the provinces of Bengal, Behar, and Orissa, by Regulation IV, 1793, being, with certain alterations and modifications, considered equally applicable to the courts of dewanny adawlut established in the city of Benares, and in the zillahs of Mirzapoor, *Ghazeepoor*, and Juanpoor; and it having been deemed advisable, from respect to the rajah of Benares, to exempt him, and the baboos of his family, when defendants in any suit, from giving the security required from other defendants; and it having been thought proper to grant a similar privilege to certain bankers, in consideration of the long established credit and responsibility of their houses; the following rules have been enacted.

Regulation IV, 1793, extended to Benares, with alterations and modifications.

II. The rules contained in Regulation IV, 1793, for receiving, trying, and deciding, suits or complaints, declared cognizable in the courts of dewanny adawlut, established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving, trying, and deciding, suits or complaints, declared cognizable in the courts of dewanny adawlut, established in the city of Benares, and in the zillahs of Mirzapoor, *Ghazeepoor*, *(a)* and Juanpoor, with the following alterations and modifications.

Rule substituted in lieu of section XV.

III. *First.* The following rule is substituted in lieu of section XV.

By what law the suits herein described are to be decided.

Second. In suits regarding succession, inheritance, marriage, and cast, or other religious usages, or institutions, the mahomedan laws, with respect to mahomedans, and the hindoo laws, with regard to hindoos, are to be considered as the general rules by which the judges are to form their decisions. In causes in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter, excepting where Europeans, or other persons, not being either mahomedans or hindoos, shall be defendants, in which cases, the law of the plaintiff is to be made the rule of decision in all plaints, and actions of a civil nature. The mahomedan and hindoo law officers of the courts, are to attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it. *(b)*

Where parties in suits are of different persuasions, the court is to be guided by the law of the defendant.

Exception.

Rule in the following clause substituted in the room of section IX.

IV. *First.* The rule contained in the following clause, is substituted in lieu of section IX.

Copies of decrees regarding malguzarry land to be furnished by the courts to the collector,

Second. That the quinquennial register of landed property, paying revenue to government, directed to be kept by Regulation XIX, 1795, may be complete, the city court, and the zillah courts, are strictly enjoined to transmit to the collector of Benares,

(a) This zillah has been discontinued, as appears by R. 14, of 1807, S. 10, C. 2.

(b) Explained by R. 2, 1798, S. 4.

and the Board of Revenue, for keeping complete the quinquennial register of lands.

nares, and to the Board of Revenue, (f) a copy of every decree that they may pass, or which may be sent to them to be enforced by the provincial court of appeal, or the Sudder Dewanny Adawlut, regarding any talook, or zemindarry, or putteedarry, distinct or common, or other lands, paying revenue immediately to government, or in any wise concerning the possession of such land. The judge is to transmit the copy of the decree, within ten days after he may pass, or receive it. The decree is to be attested with the signature of the judge, and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the purgunnah or purgunnahs, the talook or talooks, the turf or turfs, the village or villages, or the kismuts or portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and, if the land be decreed to two or more persons, the shares awarded to each person. (g)

What the abstract is to contain.

Rate of tullubanah to be exacted in lieu of that specified in section XX.

Third. Peons deputed to serve summonses, or execute process, are to receive two annas per day each, instead of the rates specified in section XX. (h)

What officers the courts are to order to take charge of land adjudged forfeited under section XXII.

V. Where decrees of forfeiture may be ordered to be executed as specified in section XXII, the court by which the decree is to be executed, is, in all cases, in the precept directed to be issued to the collector, to require him to order the nearest tehseeldar, or other officer, who may be employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of section XXIII.

VI. *First.* The following rule is substituted in lieu of section XXIII.

How lands forfeited under section XXII, are to be disposed of.

Second. If the decree adjudging the lands of the offender forfeited, shall be confirmed or stand good, under section XXII, it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands, on his heirs, upon their agreeing to make good all sums whatever that may be due from him to government on account of the land forfeited, and to pay the fixed public revenue assessed upon them; or, if the property forfeited, be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors; or to the pottah holder, or pottah holders, in whose pottah it may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in Regulation XX, 1795.

Collector to proceed against farmers whose leases may be annulled under section XXIV, and their sureties, for arrears, in the manner specified in Regulation VI, 1795.

VII. The collector is to proceed against farmers, whose leases may be annulled under section XXIV, and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI, 1795, instead of section XX, Regulation XIV, 1793, as directed in the first mentioned section, for the recovery of balances due from farmers, whose leases may be adjudged annulled in consequence of their having resisted the process of the collector, or their sureties. The offender is permitted to prosecute in the dewanny adawlut in the jurisdiction of which the farm may be situated, the talookdars, zemindars, putteedars, distinct and common, under farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

How the offender is to recover arrears due to him in the farm.

Rules respecting resistance to the process of the zillah courts, to be considered equally applicable to resistance to the process of the city court.

VIII. The rules prescribed in Regulation IV, 1793, and this Regulation, regarding proprietors of land, whether zemindars, talookdars, or putteedars, distinct or common, or farmers of land, holding farms immediately of government, or other persons resisting or causing to be resisted, any process, rule, order, or decree, of a zillah court, are to be considered equally applicable to any such persons who may resist or

(f) Now to the Commissioner appointed under R. 1, 1816, who has been intrusted with the superintendence of the revenues in the province of Benares instead of the Board of Revenue.

(g) Copies of the decrees required to be transmitted to the collectors by this section, were intended to be such only as affect the proprietary right to, or possession of, land. The courts are also directed to transmit to the collectors copies of decrees, such as have been above explained, regarding lands exempt from the payment of the public revenue, in order that the quinqennial register of such lands also may be kept complete. See R. 58, 1795, S. 3 and 4.

(h) The rules respecting the payment of tullubana or subsistence money to peons deputed to serve the process of the civil and criminal courts, have been modified by R. 26, 1814, S. 14.

cause

cause to be resisted, any process, rule, order, or decree, of the dewanny adawlut, established in the city of Benares.

Languages and characters in which the process of the courts is to be written.

IX. The rules, orders, and other process, of the city and zillah courts in the province of Benares, are to be written in the same languages and characters as the rules, process, and orders, of the courts in the province of Behar.

Cases wherein defendants are not to be called on for security in causes tried before the city and zillah courts.

X. On a written complaint being preferred in the manner specified in section V, Regulation IV, 1793, either against the rajah of Benares, or against any of the principal mehajins of the city of Benares, being such as are known under the denomination of nowputty, or against any of the baboos, (being persons of the rajah's blood and family,) the security required from defendants in the said section, shall not be demanded of them, but the court is merely to issue a notice to such defendants, containing a short account of the nature of the demand, and fixing a day for him or them, to appear either in person, or by vakeel duly authorized, to answer to the claim; and in case of his or their failing to appear as required, or to conform to all the subsequent established process in the cause, such defendant or defendants, shall forfeit the honorary privilege hereby reserved to them, and be dealt with in all respects as other unprivileged defendants. (i) This privilege, however, is to be construed to extend only to the cases above specified, in which such persons may be defendants in the city court, or the zillah courts, and to suits which may be directed to be tried in the first instance in the provincial court of appeal, or the Sudder Dewanny Adawlut, pursuant to orders from the Governor General in Council, or in the provincial court of appeal, in conformity to directions from the Sudder Dewanny Adawlut, and not to any cases of appeal, in which, whether the appeal be lodged in the provincial court of appeal, or the Sudder Dewanny Adawlut, the said persons are to give the same securities, as other persons concerned in appeals in those courts.

A. D. 1795. REGULATION IX.

A REGULATION *for establishing a provincial court of appeal in the province of Benares, for hearing appeals from decisions passed in the city court, and the zillah courts in that province, and defining its powers and duties, and prescribing rules for receiving and deciding upon appeals, and other causes of which it is declared to have cognizance.*—PASSED *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE jurisdiction of the courts of dewanny adawlut established in the city of Benares, and the zillahs of Mirzapoor, *Ghazeepoor*, and Juanpoor, being now extended not only to the causes relative to matters of revenue, which were heretofore cognizable by the resident, and the aumils, but to civil suits of all descriptions between individuals, and under certain restrictions, between government and its subjects; and the reasons assigned in the preamble to Regulation V, 1793, for establishing provincial courts of appeal in the provinces of Bengal, Behar, and Orissa, being, in consequence, considered applicable to the province of Benares, the Governor General in Council has enacted as follows.

(i) The honorary privilege here mentioned, is now made common to all His Majesty's subjects by R. 2, 1806, by which the first process issuable against any defendant is a notice of the nature described in this section, without the demand of security for appearance, except in cases where a defendant intends to abscond, and the like.

II.

V.

A provincial court of appeal established at Benares.

II. A court of appeal shall be established at the city of Benares, to be denominated the provincial court of appeal for the division of Benares. The court is to be superintended by three judges, (j) who are to be styled, the first, second, and third, judge of the court. Every judge, previous to entering upon the execution of the duties of his office, is to take and subscribe an oath similar to that prescribed for the judges of the provincial courts af appeal, in the provinces of Bengal, Behar, and Orissa, by section II, Regulation V, 1793.

Court to be superintended by three judges. Their official appellation, and oath of office.

Jurisdiction of the provincial court of appeal.

III. The jurisdiction of the provincial court of appeal, is to extend over the city of Benares, and the other places included in the jurisdiction of the city court, and the zillahs of Mirzapoor, *Ghazeepoor*, (k) and Juanpoor.

Court to be held in the city of Benares, in a large room, three days in each week, or oftener, if necessary.

No decree, order, &c. to be made but on court days, and in open court.

IV. The provincial court of appeal for the division of Benares, is to be held in the city of Benares. The court is to sit in a large and convenient room, three days in every week, (excepting for the period during which the judges may be employed in making the half yearly jail deliveries, in their capacity of judges of circuit,) or oftener, if the business shall require it, and no rule, order, proceeding, or decree, is to be made, but on court days, and in open court. (l)

Seal of the court.

V. The provincial court of appeal for the division of Benares, is to use a circular seal of two inches in diameter, with the following inscription in the Persian character and language, and the Hindostanee language and Nageree character, "The seal of the provincial court of appeal for the division of Benares."

Rules in Regulation V, 1793, from section VI, to the conclusion, extended to Benares, with the alteration and modifications specified in the following sections.

VI. The jurisdiction, powers, and authorities, vested in the provincial courts of appeal for the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation V, 1793, commencing from section VI, to the conclusion of the said regulation, are hereby vested in the provincial court of appeal for the division of Benares, and all the rules in the said sections, are to be considered as extending to the province of Benares, with the following alterations and modifications.

Rules respecting the resistance of the process of the court in the zillahs, to be construed to extend to similar offences committed in the jurisdiction of the city court.

VII. The rules prescribed in Regulation V, 1793, and this regulation, respecting any zemindar, talookdar, or other proprietor of land, or farmer of land, or other person in the zillahs, who may resist or cause to be resisted, any process, rule, order, or decree, of the provincial court of appeal, are to be considered as extending to any such person in the jurisdiction of the city court, who may be guilty of a similar offence

What officers the court is to order to take charge of land adjudged forfeited under section XXIII

VIII. Where decrees of forfeiture may be ordered to be executed under section XXIII, the court by which the decree is to be executed, is, in all cases, to issue a precept under the seal of the court, and the signature of the register, requiring the collector of the revenue, to sequester the lands, and collect the rents and revenues, and for this purpose, to order the nearest tehseeldar or other officer, employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of section XXIV

IX. *First* The following rule is substituted in lieu of section XXIV.

How lands forfeited under section XXIII, are to be disposed of.

Second. If the decree adjudging the lands of the offender forfeited, shall be confirmed, or stand good, under section XXIII, it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands, on his heirs, upon their agreeing to make good all sums whatever that may be due to government from the defaulter on account of the lands forfeited, and to pay the fixed public revenue assessed upon them; or, if it be a common or distinct put-

(j) Rescinded by R. 5, 1814, S. 2. Each of the provincial courts of appeal is superintended by four judges, who are severally styled the first, second, third, or fourth judge of the court to which they may be attached.

(k) This zillah has been discontinued, as appears by R. 14, of 1807, S. 10, C. 2.

(l) The sittings of the provincial courts of appeal are required to be held daily, sundays. holidays, and other authorized vacations excepted. See R. 13, of 1810, S. 5. The duties of the circuit, or the jail deliveries are held ordinarily by the three junior judges of each court successively. See R. 5, 1814, S. 3.

teedarry,

teedarry, the revenue payable from it to the principal proprietor, or proprietors, or to the pottah-holder, or pottah-holders, in whose pottah the land may be included; or, to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XX, 1795.

Leases annulled under section XXV, to stand cancelled from the end of the Fussily year.

X. Leases of farmers finally adjudged annulled under section XXV, are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section, in similar cases, in Bengal, Behar, and Orissa.

Collector to proceed against farmers whose leases may be annulled under section XXV, and their sureties, for arrears, in the manner specified in Regulation VI, 1795.

XI. The collector is to proceed against farmers, whose leases may be annulled under section XXV, and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI, 1795, instead of section XX, Regulation XIV, 1793, as directed in the first mentioned section, for the recovery of balances due from farmers, whose leases may be adjudged annulled, in consequence of their having resisted the process of the collector, or their sureties. The offender is permitted to prosecute in the dewanny adawlut, in the jurisdiction of which the farm may be situated, the talookdars, zemindars, putteedars, distinct and common, under farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

How the offender is to recover arrears which may be due to him.

Languages and characters in which the process of the court is to be written and issued.

XII All orders, and other process of the provincial court of appeal for the division of Benares, are to be written and issued in the same characters and languages, as the orders or other process of the provincial court of appeal for the division of Patna.

A. D. 1795. REGULATION X.

A REGULATION *for empowering the Sudder Dewanny Adawlut, to receive and decide upon appeals from decisions of the provincial court of appeal established in the province of Benares; and for defining the jurisdiction, powers, and authorities, of the Sudder Dewanny Adawlut in that province.*—PASSED *by the Governor General in Council, on the 27th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

THE establishment of the city court, and the three zillah courts, and a provincial court of appeal, in the province of Benares, with powers nearly similar to those vested in the city and zillah courts, and the provincial courts of appeal, in the three provinces of Bengal, Behar and Orissa, rendering it necessary that the rules for receiving and deciding on appeals to the Sudder Dewanny Adawlut, from the decisions of the provincial courts in those three provinces, with certain exceptions and alterations, should be extended to appeals to the Sudder Dewanny Adawlut, from decisions passed by the provincial court of appeal established in the province of Benares; and that the Sudder Dewanny Adawlut should be vested with the same jurisdiction, powers, and authorities, in the province of Benares, as in the provinces of Bengal, Behar, and Orissa; the following rules have been enacted.

Rules regarding appeals from the decisions of the provincial courts of appeal in the provinces, and the other matters specifi-

II. With the alterations and exceptions specified in the following sections, all the rules contained in Regulation VI, 1793, for receiving and deciding upon appeals from the decisions of the provincial courts of appeal, in the several divisions in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving and deciding upon appeals to the Sudder Dewanny Adawlut, from the decisions of the

ed in Regulation VI, 1793, extended to the province of Benares, with certain exceptions and alterations.

the provincial court of appeal established in Benares; and the jurisdiction, powers, and authorities, vested by that regulation, in the Sudder Dewanny Adawlut, in the provinces of Bengal, Behar, and Orissa, are declared to extend to the province of Benares.

Section IX, and the clause of section X, herein specified, not to extend to Benares.

III. The rules contained in section IX, and the following clause in section X, are declared not to extend to the province of Benares: *and in admitting such appeals, they are to observe the caution prescribed in clause second, section IX, with regard to the trial or admission of the appeals therein allud-d to, after the limited period.*

All process of the Sudder Dewanny Adawlut in Benares, to be written in the same languages and characters as in Behar.

IV. All decrees, orders, and process whatever, of the Sudder Dewanny Adawlut, in the province of Benares, are to be written in the same languages and characters, as in the province of Behar.

Rules respecting resistance to the orders or any process of the court in the zillahs, to be considered as applicable to the same offence committed in the jurisdiction of the city court.

V. The rules prescribed in Regulation VI, 1793, and this regulation, respecting any zemindar, talookdar, or other proprietor of land, or farmer of land, or other person in the zillahs, who may resist or cause to be resisted, any process, rule, order, or decree of the Sudder Dewanny Adawlut, are to be considered as extending to any such person, who may be guilty of the same offence in the jurisdiction of the city court.

What officer the court is to order to take charge of land adjudged forfeited under section XXIV.

VI. Where decrees of forfeiture may be ordered to be executed under section XXIV, the court by which the decree is to be executed, is to issue a precept, under the seal of the court, and the signature of the register, requiring the collector of the revenue to order the nearest tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands.

Rule substituted in the room of section XXV.

VII. *First.* The following rule is substituted in lieu of section XXV.

How lands forfeited under section XXIV, are to be disposed of.

Second. If the decree adjudging the lands of the offender forfeited, shall be confirmed or stand good under section XXIV, it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever, that may be due from him to government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if it be a common or distinct putteedarry, the revenue payable from it to the principal proprieter or proprietors, or to the pottah holder or pottah holders, in whose pottah the lands may be included; or, to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XX, 1795.

Leases of farmers annulled under section XXVI, to stand cancelled from the end of the Fussily year.

VIII. Leases of farmers finally adjudged annulled under section XXVI, are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section in similar cases, in Bengal, Behar, and Orissa.

Collector to proceed against farmers whose leases may be annulled under section XXVI, and their sureties, for arrears, in the manner specified in Regulation VI, 1795.

IX. The collector is to proceed against farmers whose leases may be annulled under section XXVI, and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI, 1795, instead of section XX, Regulation XIV, 1793, as directed in the first mentioned section, for the recovery of balances due from farmers, whose leases may be adjudged annulled for resistance to the process of the collector, or their sureties. The offender is permitted to prosecute in the dewanny adawlut in the jurisdiction of which the farm may be situated, the zemindars, talookdars, putteedars, distinct or common, under farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue, that may be due from them to him, on account of the period during which his lease remained in force.

How the offender is to recover arrears due to him in the farm.

Power vested in the Sudder Dewanny Adawlut to order claims to be tried, altho' they shall have originated more than twelve years previous to any suit being commenced on account of them.

X. The court of Sudder Dewanny Adawlut is vested with a discretionary power, similar to that formerly exercised by the resident, as judge of the court of appeal which existed in the province of Benares previous to the abolition of the residency, of dispensing with that part of section VIII, Regulation VII, 1795, which prohibits the courts from taking cognizance of any claims, where the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it,

and

and to issue a precept to the proper court to take cognizance of the suit. The courts are to record their reasons for every exercise of this power.

A. D. 1795. REGULATION XI.

A REGULATION *for extending with modifications, to the province of Benares, Regulation XII,* 1793, *entitled,* A Regulation for the appointment of the Hindoo and Mahomedan law officers of the civil and criminal courts of judicature, *and for appointing a pundit or pundits, to the provincial court of circuit for the division of Benares, to expound the Hindoo law in certain cases cognizable by that court.*—Passed *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE Governor General in Council, having deemed it advisable, on grounds similar to those stated in the preamble to Regulation XII, 1793, for the appointment of the Hindoo and Mahomedan law officers of the civil and criminal courts of judicature, in the provinces of Bengal, Behar, and Orissa, to extend the rules in that Regulation, to the law officers attached to the courts in the province of Benares; and it being necessary that a pundit or pundits, should be appointed to the court of circuit for that province, to assist the court in passing sentence in cases of dhurna, and certain other matters, in the trial of which the established custom of the province, and the regulations founded on it, require that reference should be made to the laws of the shaster, the following rules have been enacted.

Regulation XII, 1793, extended to the province of Benares.

II. Regulation XII, 1793, is hereby extended to the province of Benares.

Pundits of the provincial court of appeal, to officiate as pundits to the court of circuit.

III. The pundit, or pundits, of the provincial court of appeal, shall be pundit, or pundits, to the court of circuit for the division of Benares, and shall be subject to the same rules and regulations in the latter, as in the former capacity.

A. D. 1795. REGULATION XII.

A REGULATION *for extending to the province of Benares, Regulation XIII,* 1793, *entitled,* A Regulation for the appointment of the ministerial officers of the civil and criminal courts of judicature, and prescribing their respective duties.—Passed *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE rules contained in Regulation XIII, 1793, for the appointment of the ministerial officers of the provincial courts of appeal, and the courts of circuit, and the city and zillah courts, in the provinces of Bengal, Behar, and Orissa, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption, or extortion, that may be preferred against them, or any private servants, or dependents, of the judges of the courts, being equally applicable to

to the officers and persons of the same descriptions, in the province of Benares, the following rule has been enacted.

Regulation XIII, 1793.

II. Regulation XIII, 1793, is hereby extended to the province of Benares.

A. D. 1795. REGULATION XIII.

A REGULATION *for extending to the province of Benares, Regulation VII,* 1793, *entitled,* A Regulation for the appointment of vakeels or native pleaders, in the courts of civil judicature, in the provinces of Bengal, Behar, and Orissa, *with an alteration exempting the Rajah of Benares, and the baboos of his family, and certain bankers, when plaintiffs or defendants, from giving the security for the payment of the fees of the vakeels required from other plaintiffs and defendants.*—PASSED *by the Governor General in Council, on the 27th March,* 1795 *; corresponding with the 16th Chyte* 1201 *Bengal era ; the 22d Chyte* 1202 *Fussily ; the 16th Chyte* 1202 *Willaity ; the 22d Chyte* 1852 *Sumbut ; and the 5th Ramzaan* 1209 *Higeree.*

THE reasons assigned in the preamble to Regulation VII, 1793, for the appointment of authorized pleaders, to plead the causes of suitors in the courts of civil judicature, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares; and it having been deemed advisable to exempt the Rajah of Benares, and the baboos of his family, and certain bankers, when plaintiffs or defendants, from giving the security required by that Regulation from plaintiffs or defendants for the payment of the fees of the vakeels, on grounds similar to those stated in the preamble to Regulation VIII, 1795, for exempting them when defendants from giving the security or bail required from other defendants ; the following rule has been enacted.

Regulation VII, 1793, extended to Benares, with an alteration.

II. Regulation VII, 1793, is hereby extended to the province of Benares, with this alteration, that the security directed by section IX, of that Regulation, to be taken from plaintiffs and defendants, shall not be required from the Rajah of Benares, and from the baboos, and bankers, described in section X, Regulation VIII, 1795, when plaintiffs or defendants, in any suit preferred against them in the city court, or the zillah courts ; or in any suit which the Governor General in Council may order to be tried in the first instance, in the provincial court of appeal, or in the Sudder Dewanny Adawlut, or which the Sudder Dewanny Adawlut may order to be tried in the first instance, in the provincial court of appeal.

(m) This Regulation is rescinded by R. 27, 1814, S. 2.

REGULATION XIV.

A. D. 1795. REGULATION XIV.

A REGULATION *for extending to the province of Benares, Regulation XLIX, 1793, entitled,* A Regulation for preventing affrays respecting disputed boundaries, *and for applying the rules in that Regulation, to disputes regarding tanks, or reservoirs, wells, and water-courses, in the province of Benares.*—PASSED *by the Governor General in Council, on the 27 th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

ON grounds similar to those stated in the preamble to Regulation XLIX, 1793, for preventing affrays respecting disputed boundaries, in the provinces of Bengal, Behar, and Orissa, and for obviating similar contests in the province of Benares, respecting tanks, or reservoirs, wells, or water-courses, the following rules have been enacted.

Regulation XLIX, 1793, extended to Benares.

Rules in that Regulation extended to the further cases herein specified.

II. The rules contained in Regulation XLIX, 1793, are hereby extended to the province of Benares, and also to all disputes in that province, between zemindars, talookdars, putteedars, whether distinct or common, or other proprietors of land, or under farmers, or ryots, or other persons, in the jurisdiction of the city court, or either of the zillah courts, regarding tanks, or reservoirs, wells, or water-courses.

A. D. 1795. REGULATION XV,

A REGULATION *for extending to the province of Benares, Regulation XVI, 1793, entitled,* A Regulation for referring suits to arbitration, and submitting certain cases to the decision of the Nazim, *with the exception of section X; and for referring certain cases to the decision of the Rajah of Benares.*—PASSED *by the Governor General in Council, on the 27th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily, the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

PREVIOUS to the establishment of courts of justice in the province of Benares, individuals, in general, were under the necessity of having recourse to arbitration for the adjustment of the differences occasionally arising between them in respect to matters of property; and the same mode of adjustment has since been prevalent in the province, the parties in suits before the courts, often agreeing to submit to the award of a certain number of their neighbours, or other persons, and the award, when confirmed by the court, becoming a decree of the court. The Governor General in Council, being desirous to promote the reference of disputes of certain descriptions to arbitration; and having deemed it proper to submit certain cases to the decision of the Rajah, the following rules have been enacted.

Regulation XVI, 1793, with the exception of section X, extended to Benares.

II. Regulation XVI, 1793, with the exception of section X, is hereby extended to the province of Benares.

III.

Cases to be referred to the Rajah.

III. *First.* In the event of any complaints being preferred to the city court, or to any zillah court, or to the provincial court of appeal, relative to undue exactions of revenue, or any breach of agreement in respect to pottahs, or the resumption of kishenarpun, or other description of lands exempted from the payment of revenue, in the jaghire mehauls of Budhoee, or of Kera Mungrore, or in the Rajah's hereditary zemindarry of Gungapore; the complaints are not to be taken cognizance of in the courts of justice, but the parties are to be desired to make application to the Rajah, or to his dewan; and in case of their not obtaining justice, they are to have recourse to the collector, who will proceed to bring such causes to a just and equitable termination, in the manner stated in the under specified article of an agreement, concluded by the resident with Rajah Mahipnarain, under date the 27th of October 1794. An option however is reserved to the persons deeming themselves injured, to prefer their applications for redress in the first instance to the collector, who in all cases, by reference to and communication with the Rajah, and his officers, is to cause substantial justice to be rendered to the parties.

Article of Agreement.

Second. Article third, of an agreement concluded by the resident at Benares with Rajah Mahipnarain, under date the 27th October 1794. "In case of complaints relative to revenue causes, or charity ground, &c. being preferred to the huzoor, (i. e. the English government,) by any parties residing within the jaghire, and ultumgah, &c. the personal or private lands of Rajah Mahipnarain Sing, the enquiry thereinto, shall be made, in like manner as such cases were amicably conducted between Mr. Duncan and the Rajah; that is, that since the gentleman holding the station of collector, will have more concern and connection with such matters, than the other gentlemen, the rule shall be, that with the privity and ascertainment of the said collector, (who is to have regard to the honour, and dignity of the said Rajah,) such causes are to be settled through the channel of the said Rajah, or of the officers of the said Rajah's cutcherry; it being at the same time understood, and provided, that as it is a duty incumbent on the Honourable Company's government, to distribute and ensure the attainment of justice, to all the inhabitants of Benares, should it so happen, that after referring such complaints to the Rajah, or to his officers in the cutcherry, the contentment of the parties complaining and aggrieved, shall not be obtained, the Rajah shall, relative to the adjustment of such causes, listen to, and approve of, the suggestions and advice of the collector, in like manner as hath been practised in the time of Mr. Duncan; and it is also incumbent on the said collector, in all proper and just cases, to show the utmost attention possible to the Rajah's accommodation, and to hold in view the maintenance of his honour and dignity, such being entirely consistent with the wishes of government; and if, (which God forbid,) any such subject should arise, as cannot be settled between the said collector, and the Rajah aforesaid, the decision in such case, shall depend on the Governor General in Council."

REGULATION XVI.

A. D. 1795. REGULATION XVI.

A REGULATION *for the apprehension and trial of persons charged with crimes or misdemeanors in the province of Benares; for enabling one of the judges, in his capacity of judge of the provincial court of appeal, to transact certain parts of the business of that court, whilst the other two judges, as judges of circuit, are making the circuits; and for providing against the absence or indisposition of any of the judges or their law officers, and against vacancies in the judicial or law appointments.*—PASSED *by the Governor General in Council on the 27th March 1795, corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussily; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

IN the year 1781, a court of justice vested with criminal jurisdiction, was established for the city of Benares; and in the year 1788, courts with similar powers were erected in the towns of Ghazeepoor, Juanpoor, and Mirzapoor. The Governor General in Council vested the resident at Benares, with authority to superintend, revise, and sanction the proceedings of these courts, and those of the moolky foujdarry adawlut, or general criminal court established for the province, exclusive of the city and towns abovementioned, as specified in Regulation XXII, 1795. The resident was likewise authorized to exercise the powers of magistrate throughout the province, with authority to apprehend offenders, and to commit them to the criminal courts for trial. The Governor General in Council having deemed it advisable to appoint British magistrates to keep the peace of the province, and to establish a court of circuit for the trial of offenders, constituted on principles similar to the courts of circuit, erected in the provinces of Bengal, Behar, and Orissa; and it being necessary that provisions should be made for the transaction of certain parts of the business of the provincial court of appeal, whilst the judges of circuit are making the periodical jail deliveries, and also for the absence or indisposition of any of the judges or their law officers, or vacancies in the judicial or law appointments; the following rules have been enacted.

Judges of the city and zillah courts, to be magistrates.
Oath to be taken by the magistrates.

II. The judges of the courts of dewanny adawlut established in the city of Benares, and the zillahs of Mirzapoor, *Ghazeepoor,* (n) and Jaunpoor, are vested with the powers of magistrate. (o) Previous to entering upon the execution of the duties of the office, they shall take and subscribe the oath prescribed for the magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in section II, Regulation IX, 1793.

Special jurisdiction of the magistrates.

III. The special jurisdiction of each magistrate shall extend throughout the limits of his civil jurisdiction. *(p)*

Rules in Regulation IX, 1793, from section IV, to section XXX, extended to Benares.

IV. *First.* The powers vested in the magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in the several sections of Regulation IX, 1793, from section IV, to section XXX, are hereby vested in the magistrates of the city of Benares, and the zillahs of Mirzapoor, *Ghazeepoor,* and Juanpoor, and all the rules contained in those sections *(q)* are to be considered to extend to the province of Benares, with the following additions and modifications.

Setting fire to any house or village, not a bailable offence.

Second. Setting fire to any house or village is declared to be an offence not bailable.

(n) This zillah has been done away as appears by R. 14, of 1807, [illegible] C. 2.

(o) Modified by R. 16, of 1810, S. 2, agreeably to which, a person not the judge of the civil court of any zillah or city, may be appointed to hold the office of magistrate in such zillah or city, or any part thereof, with or without the judge holding a concurrent authority as magistrate.

(p) Modified by R. 16, of 1810, S. 2—See the foregoing note.

(q) Excepting those rescinded by subsequent Regulations.

Third.

Magistrate of Benares to observe the rules prescribed to the city magistrates, in the other provinces, in sections XIII, and XXX.

Third. The magistrate of the city of Benares, is to observe the rules prescribed to the magistrates of the cities of Patna, Dacca, and Moorshedabad, in sections XIII and XXX.

Papers in the Bengal or Hindostanee language to be accompanied with translates in the Persian language, which are to be compared by the officers of the court of circuit.

Fourth. The magistrates are to accompany all papers written in the Hindostanee language and Nageree character, or the Bengal language, with a translate in Persian, in the same manner as is directed with regard to papers in the Bengal language, in the other three provinces in section XVI, and the translate is in like manner to be compared with the originals by the officers of the court of circuit.

Complaints and orders upon them, to be recorded in the English and Persian languages.

Fifth. All complaints or charges, with the orders respecting them, are to be recorded in the office of the magistrate in the English and Persian languages.

Reward in section XXIV, to be given for robbers and decoits herein described.

Sixth. The reward which the magistrates are empowered to offer by section XXIV, is to be considered to extend to all robbers, and persons concerned in any daka, or night or day attack on any house or village, and in robbing, or setting fire to, or attempting to rob, or set fire to, such house or village. (r)

Court of circuit established in the province of Benares, for the trial of crimes and misdemeanors.

V. For the trial of persons charged with crimes or misdemeanors, a court of circuit shall be established in the province of Benares, to be denominated the court of circuit for the division of Benares.

Jurisdiction of the court.

VI. The jurisdiction of the court of circuit shall extend over the city of Benares, and the places adjacent subject to the jurisdiction of the city court, and over the zillahs of Mirzapoor, *Ghazeepoor*, Juanpoor. *(s)*

Oath to be taken and subscribed by the judges of circuit.

VII. The judges of the court of circuit, previous to entering on the execution of the duties of their office, are to take and subcribe an oath similar to that prescribed to the judges of circuit, in the provinces of Bengal, Behar, and Orissa, in section XXXIV, Regulation IX, 1793.

Register and assistants to the register of the provincial court of appeal, to be register and assistants to the register to the court of circuit.

VIII. The register, and assistants to the register, to the provincial court of appeal, are to be register, and assistants to the register, to the court of circuit. Previous to entering upon the execution of the duties of their office, they are to take and subscribe before the court of circuit, an oath similar to that prescribed to the registers and assistants to the regisers to the courts of circuit, in the provinces of Bengal, Behar, and Orissa, in section XXXV, Regulation IX, 1793.

Law officers to the provincial court of appeal, to be law officers of the court of circuit.

IX. The cauzy, and the mufty, or other law officers of the provincial court of appeal, shall be the cauzy, and the mufty, or law officers, to the court of circuit, and shall not be removable, excepting on proof to the satisfaction of the Governor General in Council, that they are incapable, or have been guilty of misconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct. *(t)*

Oaths to be taken by the Mahomedan law officers.

X. The Mahomedan law officers of the court of circuit, are to take oaths similar to those prescribed for the Mahomedan law officers of the courts of circuit in the several divisions in the provinces of Bengal, Behar, and Orissa, in sections XXXVII and XXXVIII, Regulation IX, 1793.

Declaration to be subscribed by the pundit or pundits.

XI. The pundit or pundits to the court of circuit, appointed under section III, Regulation XI, 1795, shall make and subscribe the declaration prescribed to him or them, as pundit or pundits to the provincial court of appeal in section VII, Regulation XII, 1793, extended to the province of Benares, by Regulation XI, 1795.

Native officers of the court of appeal to officiate occasionally as offi-

XII. The judges of the provincial court of appeal, and the court of circuit, are to cause the sheristadar, and the other native officers of the provincial court, to offi-

(r) Rescinded by R. 16, of 1810, S. 13. See the provisions of that Regulation, beginning at section 15, and of R. 9, of 1808, regarding the payment of rewards for the apprehension of proclaimed robbers, and on other occasions.

(s) The zillahs of Allahabad, Goruckpore, and Bundlecund, are now included within the jurisdiction of the court of circuit for the division of Benares, subject however to the regulations and laws which have been passed for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable Company. See Regs. 8 and 9, of 1804.

(t) Modified by R. 8, of 1809, S. 4. The removal and appointment of the law officers of the courts of circuit are vested absolutely in the hands of the Nizamut Adawlut.

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ciate as sheristadar and officers to the court of circuit, or vice versa, as the state of the business may require.

cers of the court of circuit, and vice versa, as may be necessary.

XIII. There shall be two general jail deliveries annually in the zillahs of Mirzapoor, *Ghazeepoor*, and Jaunpoor, for which purpose, two of the judges shall make two circuits in each year, setting out on the first circuit, on the first of April, and on the second, on the first of November. (v) The judges shall proceed to the places of residence of the magistrates in each zillah, as directed in sections XIV and XVI, and unless it be found indispensibly necessary from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, shall remain at each station, until all persons committed or held to bail for trial by magistrate shall have been tried, and, (in matters in which sentence is directed to be passed by the judges,) sentence shall have been passed upon them, or, (in cases in which the judges are not authorized to pass sentence,) the trial shall have been referred to the Nizamut Adawlut.

Two jail deliveries to be made annually in each zillah.

Judges to proceed to the stations of the magistrates for that purpose on the 1st of April, and the 1st November annually.

And to remain there until the business of the sessions is completed.

XIV. To expedite the two general jail deliveries in the zillah s, two courts are to be formed. (u) Each court is to be superintended by one of the judges of circuit. The register, and one of the Mahomedan law officers, are to accompany one court, and one of the assistants to the register, and the other Mahomedan law officer, the other court. The pundit or pundits shall proceed occasionally on the circuits, or be sent for by the courts, in case his or their opinion shall be necessary, as in trials for dhurna under Regulation XXI, 1795. The court of circuit however are empowered, whenever it may appear to them advisable, to order their registers and their assistants to remain at the sudder station during the circuits, for the purpose of translating the records of the trials which may be referrible to the Nizamut Adawlut, or for the performance of any other official duty.

Two courts to be formed, to make the two general jail deliveries in the zillahs.

The register or his assistant, and one of the Mahomedan law officers to accompany each court.

Pundits when to attend on the circuit.

Court may order the register or his assistants to remain at the sudder station.

XV. *First.* The remaining judge of the court of circuit, is to continue at the sudder station, and is to perform the duty prescribed to the judge remaining at the sudder station in the divisions in the provinces of Bengal, Behar, and Orissa, by section XII, (w) Regulation VII, 1794, the rules in which are accordingly to be considered to extend to the province of Benares.

The remaining judge to continue at the sudder station.

Duties to be performed by him.

Second. The judges are to remain at the sudder station in rotation. (x)

Judges to remain at the sudder station in rotation.

XVI. The courts formed as directed in section XIV, are to proceed to the undermentioned stations: (y)

Stations to which the courts are to proceed.

One court. Jaunpoor and *Ghazeepoor*.

One court. Mirzapoor.

XVII. The two courts are to proceed alternately to the stations specified in section XVI, so that the same judge and Mahomedan law officer, and Hindoo law officer, (when there may be two pundits attached to the court of circuit,) of the division, may never make two circuits successively to the same station. The Nizamut Adawlut however is empowered to dispense occasionally with the rule contained in this section, and also with the rule in clause second, section XV, in any special cases in which it may appear to them necessary. (z)

The same judge and law officers not to make two circuits successively to the same station.

Nizamut Adawlut may dispense with the rule in this section, and in clause second, section XV.

(v) These periods have been altered to the 1st January and 1st July, by R. 2, of 1804, S. 3.

(u) Modified by R. 3, of 1797, S. 2. One court, instead of two, holds the half yearly jail delivery in each zillah during the period of each circuit, which is superintended by one of the junior judges of each division in rotation, and attended by one of the two mahomedan law officers alternately.

(w) The whole of this section is rescinded by R. 1, of 1807, S. 2. See R. 13, of 1810, and R. 25, of 1814, S. 6, regarding the duties and powers of single judges of the provincial courts of appeal. The senior judge only remains fixed at the sudder or principal station, for the conduct of the business of the provincial court of appeal. See R. 3, of 1797, S. 5. and R. 5, of 1814, S. 3.

(x) Modified by R. 3, of 1797, S. 5, and R. 5, of 1814, S. 3. See the preceding note.

(y) Modified by R. 3, of 1797, S. 2.—See the note to section 14 of this Regulation. The present order of succession for holding the half yearly jail deliveries may be seen in R. 1, of 1806, S 5.

(z) This section has become superfluous in consequence of the modifications made by R. 3, of 1797, S. 2, and R. 5, of 1814, S. 3.

XVIII.

Sections VII and VIII, Regulation VII, 1794, extended to Benares.

XVIII. The rules contained in sections VII and VIII, Regulation VII, 1794, are hereby extended to the province of Benares, the judges proceeding to the prescribed stations, as directed in section XVI, of this Regulation, instead of section V Regulation VII, 1794.

Courts to repair to the sudder station after completing the jail deliveries in the zillahs.

By whom and when the jail deliveries are to be made at the sudder station.

XIX. Each court, when it shall have completed the jail deliveries, in the zillah or zillahs to which it is directed to proceed, shall return without delay to the sudder station of Benares. The judge who may first return from the circuit, immediately on his arrival, is to try all persons committed or held to bail to take their trial by the magistrate of the city of Benares. and on the first of the month, next but one after the month in which one of the courts may return to Benares, and upon the first of every succeeding month, until the courts proceed again on the circuits, a court of general jail delivery is to be held for the said city, and the adjacent places included in the jurisdiction of the magistrate, and the court is to continue to sit until the business of the session be completed. Agreeably to the above rule, if the court which shall first return to the sudder station, shall arrive there on the 15th of January, the judge is to try all persons committed or held to bail to take their trial as above directed, and the next jail delivery is to be held on the first of March, and on the first of every succeeding month, until the courts proceed again on the circuit. But when the first of the month shall fall on sunday, the court of monthly jail delivery shall not be opened until the monday following, nor shall any of the courts of circuit sit on sunday, on any occasion whatever. (a)

Judges to hold the court of monthly jail delivery at Benares in rotation.

XX. The court of monthly jail delivery directed to be held at Benares, in the preceding section, is to be held before one of the judges, who are to hold the session in rotation, that the other two judges may at the same time hold a court of appeal.

Sections XIII and XIV, Regulation VII, 1794, extended to Benares, and the latter section to be applied to the Hindoo law officers.

XXI. The rules contained in sections XIII and XIV, Regulation VII, 1794, are declared to extend to Benares, and the rules in the latter section are to be applied to the pundit or pundits.

Rules in Regulation IX, 1793, from section XLVII, to the conclusion, extended to Benares, with the alterations and modifications specified in the following sections.

XXII. The power vested in the courts of circuit, in the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation IX, 1793, from section XLVII, to the conclusion of the said Regulation, are hereby vested in the court of circuit for the division of Benares, and the powers exercised by the Nizamut Adawlut, under the rules contained in those sections, in the several divisions in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the province of Benares, and all the rules contained in the sections referred to in this section, are accordingly declared to extend to Benares, with the alterations and modifications contained in the following sections. (b)

No brahmin to suffer capital punishment.

XXIII. No brahmin shall be punished with death. In cases in which a brahmin shall be declared by the law liable to suffer death, he shall, in lieu of such punishment, be subject to be sentenced by the Nizamut Adawlut to transportation. The court of circuit is not to pass sentence in any such trials, but is to forward them to the Nizamut Adawlut, for their final sentence.

Rule adopted in the room of section LXII.

XXIV. *First.* The following rule is adopted in the room of section LXII.

Judges to visit the jails.

Second. The judges of circuit are to visit the jails on every circuit, and one or more of the judges shall visit the jail in the city of Benares, once in every three months, or oftener, if thought proper, and they are to issue to the magistrates such orders as may appear to them advisable, for the better treatment and accommodation, or security of the prisoners.

(a) This and the next section have been superseded by R. 2, of 1804, S. 5.—See R. 2, of 1799, S. 2, 3, and 4, for the manner in which the jail deliveries of the city of Benares are held.

(b) See the further powers and duties of the Nizamut Adawlut in, and modifications of certain rules of R. 9, of 1793, by R. 2, of 1801, S. 12.

REGULATION XVII.

A. D. 1795. REGULATION XVII.

A REGULATION *for the establishment of an efficient police in the province of Benares.*—**Passed** *by the Governor General in Council, on the 27th March,* 1795 *; corresponding with the* 16*th Chyte* 1201 *Bengal era ; the* 22*d Chyte* 1202 *Fussily ; the* 16*th Chyte* 1202 *Willaity ; the* 22*d Chyte* 1852 *Sumbut ; and the* 5*th Ramzaan* 1209 *Higeree.*

THE establishment of an efficient police in the province of Benares, being as essential towards deterring people from committing crimes, as the speedy and impartial trial of offenders when apprehended ; a clause was inserted in the engagements entered into by the landholders and farmers with government, rendering them responsible, subordinately to the tehseeldars, (heretofore termed aumils,) for maintaining the peace, and for apprehending all disturbers of it, in their respective estates, or farms, and binding them not to harbour thieves, or robbers, but to secure their persons, and deliver them up for trial, as well as to recover, or in failure thereof, to make good the value of, all property robbed, or stolen, within their several boundaries. And in like manner as each proprietor or farmer, entered into such engagements, as far as regarded the limits of his own estate or farm, so each tehseeldar executed similar engagements with government, for the entire purgunnah, or other division, with the charge of the police and the collection of the revenue of which he was intrusted, containing however a provision, entitling him to have recourse for his own indemnification, to the landholder, or farmer, within whose limits a loss by theft or robbery might occur. But the parties thus made responsible, having represented, that robberies and thefts committed on beoparries and others, were often perpetrated in consequence of their stopping and remaining during the night, with their cattle and goods, in the open fields, or woods, instead of putting up in the villages, and giving notice of their arrival, so as to admit of their security being duly attended to, it was provided by a general notification issued by the resident on the 29th of January 1789, that no person should be entiled to restitution or indemnification by the aumils, landholders, or farmers, for losses by theft or robbery committed at night in the open fields or woods, and that restitution or indemnification should be claimable only, in cases in which the owners of the property had put up at some town or village, and given notice of their arrival. But it having been subsequently considered, that it was the duty of the aumils, and the landholders, and farmers, to have information conveyed to them, of the arrival of merchants and travellers within their respective limits, and to provide for their security and protection ; and it having appeared improbable that travellers and merchants in general would be apprized of the requisition for their giving notice of their arrival, at a town, or village ; it was deemed inconsistent with the principles of justice that any omission in this respect on their part, should be allowed to exempt the aumils, landholders, or farmers, from making good any losses they might sustain by theft or robbery. It accordingly became an established principle throughout the province, that for night robberies in the open roads, or woods, the tehseeldars, landholders, and farmers, were not to be held responsible, unless it should be proved that they had such knowledge of the circumstances, as might reasonably have been expected to have enabled them to have prevented the theft or robbery ; but that for thefts or robberies committed in inhabited places, they were liable to be made responsible, whether notice of the arrival of the parties should have been given to them or not, if, under circumstances of the case, the magistrate should be of

opinion,

opinion, that the prepetration of the theft or robbery was committed with their connivance, or was ascribable to their want of due care, and vigilance. In conformity to the above principles, and for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, the following rules have been enacted.

Police to be under the joint charge of the tehseeldars, and of the landholders, and farmers.

II. *The police of the country, subject to the control of the magistrates, is to be considered under the joint charge of the tehseeldars, and subordinately to them, of the landholders and farmers of land, who are bound to, and responsible for, the preservation of the peace;* (c) The guard of the Decan road to Mirzapore, is intrusted to certain persons paid from the custom house establishment, who are responsible for all losses by theft, or robbery, committed within their limits, according to the engagements which they have executed.

Tehseeldars, landholders, and farmers, to be held responsible for robberies, in the cases herein specified.

III. *Tehseeldars,* landholders, and farmers of land, are in future to be considered responsible for robberies or thefts committed in their respective limits, estates, or farms, *the tehseeldar in the first instance,* and the landholders and farmers to the *tehseeldar* in the manner specified in clause eighth, sections XIV and XV, Regulation II, 1795 ; it being understood however, that for night robberies in the open roads or woods, the *tehseeldars,* landholders, or farmers, are not to be held responsible, unless it shall be proved that they had such knowledge of the circumstances, as might reasonably have been expected to have enabled them to have prevented the theft or robbery, but that for thefts or robberies in inhabited places, they are to be considered as liable to be made responsible, whether notice of the arrival of the owners of the property shall have been given to them or not, if, under the circumstances of the case, the magistrate shall be of opinion, that the theft or robbery was committed with their connivance, or that the perpetration of it, was ascribable to their want of care, or vigilance. (d)

Police jurisdictions. Their extent. To be guarded by the tehseeldars, landholders, and farmers.

IV. *The limits of each tehseeldar, including the rent free lands, are to be considered as constituting a police jurisdiction. The guarding of each jurisdiction, is to be committed generally to the tehseeldar, and to the landholders, and farmers, for their respective limits.* (e)

Jurisdictions to be numbered, and how to be named. Names and numbers not to be changed without the sanction of Government.

V. *The police jurisdictions are to be numbered, and to be named after the places at which the tehseeldars and their establishments may be stationed. The magistrates are not to change the names, or numbers of the jurisdictions, nor to alter the limits of them, without the sanction of the Governor General in Council.*

Tehseeldars, as police officers, not to be removed but for incapacity or misconduct, proved to the satisfaction of Government.

VI. *Whenever the magistrates shall deem any tehseeldar disqualified for his station, either from incapacity, misconduct, or other cause, they are immediately to report the grounds of their opinion, to the Governor General in Council, who will determine whether he shall be removed, or continued in his office.*

What charges are to be received by the tehseeldars

VII. Any person having a charge to prefer against another for murder, robbery, house-breaking, theft, or other crime, *or any misdemeanor,* (f) and who shall not choose to lodge it immediately before the magistrate, shall be at liberty to prefer it in wri-

(c) Rescinded by R. 14, 1807, S. 2, C. 1. The tehseeldarry system of police has been abolished, and the police since adopted in the province of Benares, is like those in the other provinces, the superintendence of which is vested in persons appointed expressly for the trust. The provisions of this Regulation, excepting such parts as are modified or rescinded, are applicable in the same way to such police officers, as they were to the tehseeldars, previous to the abolition of the tehseeldarry system.

(d) Notwithstanding the abolition of the tehseeldarry system, the responsibility of the landholders and farmers continue as before, as declared by R. 14, of 1807, S. 19, C. 1. See R. 8, of 1797, for defining more specifically such responsibility of the landholders and farmers. Prosecutions of landholders and farmers in consequence of such their responsibility, are to be of the nature of civil actions, and sued accordingly in the civil court or dewanny adawlut. See R. 8, of 1797, S. 2, and R. 14, of 1797, S. 3, C. 1.

(e) This and section 6, are rescinded by R. 14, 1807, S. 2, C. 1, and section 5, virtually superseded by the provisions of that Regulation.

(f) Rescinded by R. 7, of 1811, S. 2. Police officers are now prohibited from taking cognizance of petty or inconsiderable offences or misdemeanors.

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ting to the *tehseeldar (g)* of the jurisdiction in which the crime *or misdemeanor (g)* may have been committed, or, if the offender shall have removed himself out of that jurisdiction, to the *tehseeldar (g)* of the jurisdiction in which he may be found. *The tehseeldar of such jurisdiction, shall forthwith cause the party accused to be apprehended. If the charge shall be for murder, robbery, house-breaking, theft, or other heinous crime, the tehseeldar shall send the accused to the magistrate, under safe custody, within twenty-four hours after he shall have apprehended him. If the charge shall be for any crime or misdemeanor, upon which the magistrates are authorized to pass sentence, the tehseeldar shall take sufficient security from the person accused, to appear on a specific day before the magistrate, and then release him. If he shall refuse or be unable to give good security, the tehseeldar shall send him, under safe custody, to the magistrate, within twenty-four hours after he shall have apprehended him. (g)* When the party accused shall appear before the magistrate, he shall proceed against him in the same manner as if he had been apprehended under his own warrant.

Party accused how to be disposed of when apprehended

VIII. The *tehseeldars* are authorized to apprehend without a written charge, or issuing a dustuck or writ, persons found in the act of committing a breach of the peace, or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, and also the several descriptions of persons specified in section X. In every other case, the *tehseeldars* are prohibited apprehending any person without a charge preferred against him in writing, under the seal or signature of the complainant.

Tehseeldar not to take any person into custody, without a written charge, nor without issuing a writ for his apprehension, except in the cases herein athorized..

IX. The *tehseeldars,* in all cases whatsoever, are to take security from the prosecutor and his witnesses, to appear before the magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if security shall have been taken from him for that purpose, or, on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. *(h)*

Tehseeldars to take security from prosecutors and witnesses to appear before the magistrate at the same time as the party accused.

X. The *tehseeldar,* upon receiving information of any notorious robbers harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the magistrate. He shall likewise apprehend and send to the magistrate, all geedur-mars, malachees, syr-bejuahs, or other descriptions of vagrants, or suspected persons, who may be lurking about his jurisdiction, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. *(i)* The magistrate shall examine on oath such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood, and if there shall appear to him grounds for supposing, that they are disorderly, or ill disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find security for their good behaviour in case of their being discharged, or until some creditable persons shall agree to entertain them in their service, or the magistrate shall be satisfied, from their deportment whilst in his custody, or other circumstances, that they will of themselves take to some service or employment, so as to obtain an honest livelihood, in either of which cases, the magistrate shall discharge them. If any person so apprehended, shall make his escape from the custody of the magistrate, before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned, and kept to hard labour, for six months.

Tehseeldars to apprehend and send to the magistrate, notorious robbers, vagrants, and suspected persons.

Magistrate how to proceed with vagrants and suspected persons.

Punishment for vagrants or suspected persons escaping from the custody of the magistrate.

(g) Rescinded by R. 9, of 1807, S. 11, R. 14, of 1807, S. 2, C. 1, and R. 7, of 1811, S. 2. Tehseeldars divested of the charge of the police — police officers prohibited from taking cognizance of petty or inconsiderable offences or misdemeanors, — and the mode of proceeding on receiving complaints by police officers altered.

(h) Modified by R. 9, of 1807, S. 15. Recognizances or mochulkas are required to be taken instead of security both from prosecutors and witnesses. See their form in the section above quoted.

(i) See R. 7, of 1811, S. 2, C. 3, in what manner head police officers are to proceed against suspicious or notoriously bad characters.

XI.

Further definition of the duties of the tehseeldars, with regard to persons charged with crimes or misdemeanors.

XI. It is to be understood, that the duty of the *tehseeldar*, with regard to persons charged with crimes or *misdemeanors* (j) is to be confined to apprehending, and sending them under safe custody, to the magistrate, or taking security for their appearance before him. He is not to discharge the parties accused, after they are once apprehended, (*except in the cases mentioned in section VII, in which he is expressly authorized to release them upon security, or upon the parties delivering in a razenamah in the case specified in section XII,*) (j) nor to inquire into, (k) or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment, on the prosecutors, or the accused, or their respective witnesses, or any persons whomsoever.

Tehseeldars authorized to release the defendant in certain cases, upon which the magistrate is empowered to decide, provided both parties agree in writing to withdraw the prosecution.

XII. In complaints for petty assaults, and in the other cases described in section VIII, Regulation IX, 1793, on which the magistrates are empowered to pass sentence, the tehseeldars are permitted to discharge the defendant, provided the complainant shall deliver a razenamah or writing, desiring to withdraw his complaint, and the defendant shall also give a razenamah or writing, agreeing to the complaint being withdrawn. These razenamahs are to be attested by two creditable witnesses, and are to be transmitted to the magistrate by the darogah, with his monthly report. If the parties shall not deliver in such razenamahs, the case is to be brought before the magistrate. To prevent any misconstruction of the authority vested in the tehseeldars by this section, it is expressly declared not to extend to the cases of petty thefts, on which the magistrates are empowered to decide by section IX, Regulation IX, 1793. (l)

This authority not to extend to petty thefts.

Village watchmen, to be subject to the authority of the tehseeldar, and their names to be registered by him.

XIII. All ghorites, (as far, and in such places, as they are employed as police watchmen,) and all pykes, chokedars, pausbauns, dusauds, pehroos, passees, negabauns, harees, and other descriptions of village watchmen, are declared subject to the orders of the *tehseeldar*, in his capacity of chief local officer of the police. He shall keep a register of their names, and upon the death or removal of any of them, the landholders, or others, to whom the filling up of the vacancies may belong, shall send the names of the persons whom they may appoint, to the *tehseeldar* of the jurisdiction, that they may be registered by them as above directed.

Duties to be performed by the village watchmen.

XIV. The ghorites, pykes, pausbauns, and other village watchmen, mentioned in section XIII, shall apprehend and send to the darogah, any persons who may be taken in the act of committing murder, robbery, house-breaking, or theft, or against whom a hue and cry shall have been raised. It shall be their special duty also, to convey to the *tehseeldar* of the jurisdiction, immediate intelligence of any robbers, who may have concealed themselves in their respective villages, or the country adjacent, and also of any vagrants, or other persons, who may be lurking about the country, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. Such ghorites, and all pykes, pausbauns, or other village watchmen, who shall not act in conformity to this section, shall be dismissed from their stations by the landholders, or other persons by whom they may be employed, upon the requisition of the magistrate, and shall be further punished as the law may direct, should it be proved that they assisted in harbouring, or concealing any of the abovementioned descriptions of offenders, or suspected persons, or connived in any respect at their mal-practices. (m)

A concurrent jurisdiction vested in the magistrates and the police officers of

XV. A concurrent jurisdiction is vested in the magistrates of the city of Benares, and the zillahs of Mirzapoor, *Ghazeepoor*, (n) and Juanpoor, and the magistrates in the province of Behar, and their respective police officers, in the cases, and under the restrictions following, viz. The *tehseeldars*, darogahs, and police officers, subject to the

(j) Rescinded by R. 7, of 1811, S. 2. See the note (g) attached to section 7 of this Regulation.

(k) See additional and explanatory rules in R. 4, of 1797, S. 9, and R. 9, of 1807, S. 16.

(l) Rescinded by R. 7, of 1811, S. 2. See the note (g) attached to section 7 of this Regulation

(m) See R. 3, of 1812, S. 6, regarding the punishment of watchmen convicted of gross misconduct.

(n) This zillah has been discontinued as appears by R. 14, of 1807, S. 10, C. 2, and the provisions of this Regulation are as applicable to the mehauls which composed it, as they are to the mehauls forming in general the mofussil police jurisdictions.

authority,

authority of the city and zillah magistrates in the province of Benares, are severally empowered, either under a written warrant from the magistrate, or without such warrant, to pursue persons charged with crimes, or misdemeanors, into the jurisdiction of other *tehseeldars*, or darogahs, whether subject to the same magistrate as themselves, or to the magistrate of the city, or of either of the zillahs in the province of Benares, or of any of the zillahs, or the city of Patna, in the province of Behar. The magistrate, *tehseeldars*, darogahs, police officers, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons, having authority, or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers, for the apprehension of the offenders. It is to be understood however, that this concurrent authority vested in the magistrates and their police officers, is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or, (in the event of the crime having been committed in any other jurisdiction,) where the offender was actually within their jurisdiction, when the charge against him was preferred to them. And it shall not be lawful for the magistrate, *tehseeldar*, or darogah, in one city, zillah, or jurisdiction, in the province of Benares, or Behar, to issue a warrant for the apprehension of any offender, being or residing in another city, zillah, or jurisdiction, at the time of the complaint being preferred to them, for any crime or misdemeanor, not committed within the limits of their respective jurisdictions. In such cases, the complainant must apply in the first instance, to the magistrate of the city or zillah, or to the *tehseeldar*, or darogah, in the province of Benares, or to the magistrate, or darogah in the province of Behar, in whose jurisdiction, the crime or misdemeanor shall have been committed, or in which the offender may reside, or be found.

the city and zillahs, in respect to each others local limits, and with those in Behar, in particular cases, and under certain restrictions.

XVI. Whenever the police officers employed under one magistrate, shall apprehend offenders in the jurisdiction of another magistrate, in virtue of the powers vested in them in the preceding section, they shall immediately deliver to the *tehseeldar* or darogah, *(according as the offenders may be apprehended in Benares or Behar,)* of the police jurisdiction in which the offenders may be apprehended, a list of their names, and a statement of the crimes or misdemeanors with which they may be charged, and the *tehseeldar* or darogah, shall immediately forward such list and statement to the magistrate, to whose authority he may be subject.

Police officers apprehending offenders out of their own jurisdiction, to deliver a list of the names of the offenders, and a statement of their crimes, to the tehseeldar or darogah, in whose jurisdiction they may be apprehended.

XVII. *The teeseeldars shall receive from government, a reward of ten rupees for every robber or thief who may be apprehended by them in the first instance, to be paid upon the conviction of the offender.* (o) They shall likewise be entitled to a commission of ten per cent on the value of all property stolen or plundered, which they may recover, provided that the thieves or robbers, be apprehended and convicted. The commission is to be paid by the owner of the property, which is to be fairly valued by the magistrate, or by any creditable and competent person whom he may appoint for that purpose. The magistrate is to cause the commission in the case above directed, to be paid by the owner or his agent, to the *tehseeldar* to whom it may be due. If the owner shall omit or refuse to pay the commission, the magistrate shall dispose of such portion of the property at public sale, as may be sufficient to make good the amount, and deliver the residue to the owner.

Tehseeldars to receive a reward of ten rupees for every robber or thief apprehended by them, and convicted, and

ten per cent on the value of property recovered from robbers, upon conviction of the offenders.

XVIII. The *tehseeldars* are to proceed in person, or to depute or commission one or more of their officers, as circumstances may require, to the several towns, gunges, bazars, and hauts, on market days, to prevent any disputes or disturbances arising between the venders and purchasers, or other persons resorting to the markets; and they are to observe similar precautions, on the occasion of all melas or assemblages of people for religious, or other purposes.

Tehseeldars, or some of their officers to attend wherever markets or melas are held, to keep the peace.

(o) Rescinded by R. 16, of 1810, S. 14. See the provisions of that Regulation, and of R. 9, of 1808, regarding the payment of rewards.

Tehseeldars to send monthly reports to the magistrates.
What the reports are to contain.

XIX. The *tehseeldar* of each jurisdiction, shall send to the magistrate, a monthly report in writing, which shall contain the names of all persons whom he may have apprehended; the crime or misdemeanor with which they may have been charged; the date of their apprehension; and the date on which they were dispatched to the magistrate, or released, either upon bail, *or in consequence of the parties having agreed to withdraw the complaint, in the cases specified in sections VII and XII; (p)* together with a circumstantial detail of all other acts done by him in his official capacity. The report is to be dispatched on the fifth of every month, for the month preceding, by the public dawks, or if it cannot be sent by this mode of conveyance, by such other as the magistrate may direct. If it shall be proved to the satisfaction of the magistrate, that a *tehseeldar* has apprehended any person, or issued orders, or done any official act, which shall not be inserted and truly stated in his report; he shall submit the circumstances to the Governor General in Council, who, if there shall appear to him sufficient cause for so doing, will order such *tehseeldar* to be dismissed, or otherwise direct such fine to be levied from him as may appear adequate to the offence. The amount of all such fines is to be levied by the collector, and paid to the magistrate, who is to grant it to the party or parties, who may have been aggrieved, or affected, by the misconduct of the *tehseeldar*. (q)

When and how to be transmitted.

Tehseeldars liable to prosecution in the civil and criminal courts, for all official acts not warranted by this regulation.

XX. If the *tehseeldar* of a jurisdiction, or any officer under his authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this Regulation, the party injured is hereby permitted to prosecute him, either criminally before the court of circuit, or for damages in the dewanny adawlut. The judges of the abovementioned courts, are required to take cognizance of all such prosecutions or suits, as may be brought before them under this Regulation, and to pass such sentence, or decree, as may appear to them equitable, upon a consideration of the circumstances of the case.

Magistrates to furnish the tehseeldars with sunnuds of office and translates of this regulation.

XXI. The magistrates of the city and zillahs, are to deliver to the *tehseeldars, in their capacities of conservators of the peace, and officers of police, (r)* sunnuds, and a translate of this Regulation, in the Persian language, and in the Hindostanee language, and Nageree character. These sunnuds and translates, are to be attested with the official seal and signature of the magistrate.

Rules regarding the police of the city of Benares and the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

XXII. The rules contained in the following sections, are prescribed for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor and Juanpoor. (s)

Magistrates of the city and the three towns, to divide them into wards.
Each ward to be guarded by a darogah, and establishment, subject to the cutwal of the city, or town.

XXIII. The magistrates of the city of Benares and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor respectively, shall divide the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and their suburbs, into wards. Each ward shall be guarded by a darogah, with a proper establishment, and the darogah shall be subject to the immediate authority of the cutwal of the city or town.

Wards to be numbered and named; names and numbers of the wards not to be changed without the sanction of government.

XXIV. The wards shall be numbered and named, and the magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor General in Council.

Provision regarding the security necessary to qua-

XXV. No person sall be appointed cutwal of the city of Benares, or of the town of Mirzapoor, unless he shall give security for his appearance, in the amount of five thousand

(p) Rescinded by R. 7, of 1811, S. 2. See the note (g) attached to S. 7, of this Regulation.

(q) The magistrates are now empowered to appoint and remove their police officers without reference to other authority; subject, of course, as in all matters, to the control of the superintending courts. See R. 17, of 1816, S. 7. — Fines imposed by the criminal courts are invariably to be carried to the credit of government and not otherwise disposable; and, in case of non-payment of fines through inability or other cause, they are to be commuted to definite periods of imprisonment. See R. 14, of 1797, S. 3.

(r) Rescinded by R. 14, of 1807, S. 2, C. 1. The tehseeldary system abolished: see the note (c) attached to S. 2 of this Regulation.

(s) The remainder of this Regulation, excepting section 25, has been re-enacted with alterations and additions, by R. 14, of 1807, S. 11, and is therefore virtually superseded, agreeably to the rule of construction laid down in R. 41, of 1793, S. 20, extended to the province of Benares by R. 1, of 1795, S. 4. Its alterations, consequently, by subsequent Regulations, are not noticed.

thousand rupees, himself in two thousand five hundred, and two responsible persons, in one thousand two hundred and fifty each; nor of the towns of Ghazeepoor or Juanpoor, unless he shall give security in half of the aforesaid amount.

lify a person for the office of cutwal.

XXVI. Besides the security to be derived from the stationary day and night watchmen, who are to be stationed by the cutwal, as the magistrate may direct, at the shraubkhanas, or places appointed for the sale of spirituous liquors, and at the heads of streets, and passages, and wherever there are large occasional assemblies of people, in the city of Benares, and the towns mentioned in the proceding section, the jemadars of the several wards, with one half of their establishments, shall patrole their respective wards without intermission, from sun set until twelve o'clock at night, and the darogahs with the other half of their establishments, shall patrole their respective wards without intermission, from twelve o'clock at night until day light. The patroles are to move about as silently, and with as little noise as possible, that thieves, and other disorderly persons, may never be apprized of their approach. The patroles of the several wards, and such part of the stationary watchmen as the cutwal shall appoint, are to be furnished with a singhara or horn, which they are to sound when they meet with robbers, or other persons guilty of a breach of the peace, and have occasion to give the alarm to each other, or to the inhabitants of the ward, that they may co-operate to the apprehension of the offenders, but not otherwise. The cutwal is to be careful that the stationary watchmen, and the darogahs and their officers, perform the essential duties prescribed in this section regularly and properly, and to report to the magistrate every instance in which they may be guilty of negligence, or misconduct, in the discharge of them; for which purpose, the cutwals themselves, or their deputies, are to go such rounds, for inspecting the conduct of all the night patroles, the stationary watchmen, and the other officers and servants in their department, as the magistrates may direct.

Rules for stationary watchmen and patroling the city at night.

Cutwals to be careful that they are observed.

XXVII. To assist the darogahs, in obtaining the earliest intelligence of any robbers, or other offenders, who may be concealed, or have taken up their residence, within their respective wards, a mohulladar and mohulladarin, shall be appointed to each ward subject however to the orders of the darogahs, to whom they shall convey immediate information of any offenders that may be found in their respective wards. It shall also be the duty of the bhuttearahs, or persons in charge of the public seroys, and of the ghaut-manjees, to deliver in to the cutwally department, daily reports of all arrivals and departures of travellers, or other persons, to the end that thieves, robbers, and other persons of suspected character, may not be suffered to harbour, unknown to the magistrates, within their respective jurisdictions; and the domes stationed at the ghauts of the city of Benares, are to report on, and to receive the magistrate's sanction, before they proceed to burn the bodies of any hindoos, dying other than a natural death.

Mohulladar and mohulladarin to be appointed to each ward, and reports to be made by the bhuttearahs and ghaut manjees.

Their duties.

That of the domes at the ghauts of the city of Benares.

XXVIII. In the city of Benares, there are sundry inhabited closes, or courts, with only single entrances, provided with phauttucks or gateways, guarded by watchmen, entertained and paid by the persons residing therein. These watchmen are to make daily reports to the darogah of their respective wards, of such occurrences in the said places as may fall under the cognizance of the police; and if such watchmen be found inefficient by the magistrate, he is to appoint others in their stead; and he is to see that the inhabitants of such closes, or courts, pay to the watchmen the accustomed wages. The rules in this section, are extended to all similar closes or courts, in the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

Rules in respect to private watchmen entertained and paid by the inhabitants.

XXIX. It shall be the duty of the cutwals, and of the darogahs of the wards, to apprehend all murderers, robbers, house-breakers, thieves, pick-pockets, and persons charged with or suspected of crimes or misdemeanors, and all vagrants, who may be lurking about their respective wards, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. All such persons, who may be

What descriptions of persons the cutwals and darogahs are to apprehend, and how they are to proceed with them when apprehended.

be apprehended by the darogahs between sun-rise and sun-set, shall be conveyed to the cutwals office immediately on their apprehension. If any such persons shall be apprehended between sun-set and sun-rise, they shall be conveyed to the cutwals office early in the morning after the night on which they may have been apprehended. The cutwal shall every morning by eleven o'clock, take before the magistrate, all persons who may have been apprehended by him or the darogahs, during the preceding night or day. The cutwals and darogahs, are prohibited detaining any person whom they may have apprehended in custody, beyond the time above prescribed.

Cutwals and darogahs not to discharge persons once apprehended, except in the cases and under the restrictions herein specified.

XXX. The cutwals and the darogahs of the wards, shall not discharge any persons whom they may have once apprehended, without receiving orders from the magistrate for their release, excepting persons who may have been apprehended for petty assaults, or other matters, theft excepted, upon which the magistrates are empowered to pass sentence, in which cases, the cutwals and darogahs are permitted to discharge the defendants, provided that previous to the time prescribed for carrying them before the magistrate, the complainants shall voluntarily deliver a razenamah or writing, desiring to withdraw the complaint, and the defendants, of their own accord, shall execute a similar writing, agreeing to the complaint being withdrawn. These razenamahs shall be attested by two creditable witnesses, and are to be transmitted, on the morning following the night or day on which they may have been executed, by the darogahs to the cutwal, who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him on the preceding night or day, to the inspection of the magistrates.

Magistrates to proceed with vagrants and suspected persons found in the city or towns as directed in section X.

XXXI. The magistrates are to proceed with vagrants, or suspected persons, found in the city or towns abovementioned, who may be brought before them, in the same manner as they are directed to be dealt with in section X.

Further definition of the duties of the cutwals and darogahs, with regard to persons apprehended.

XXXII. The duty of the darogahs of the wards and cutwals, with regard to persons charged with crimes or misdemeanors, is confined to apprehending them, and causing them to be carried before the magistrate as above prescribed. The cutwals and darogahs, are not to inquire into, or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment, on the complainants, or the a cused, or any other person whomsoever.

Cutwals and darogahs to be allowed the same reward and commission as the darogahs of the zillahs in section XVII.

XXXIII. The cutwals, and the darogahs of the wards of the city, and the three towns, shall receive the same reward for the apprehension of robbers or thieves, and for the recovery of property stolen or plundered, as is granted to the tehseeldars by section XVII.

Darogahs of the wards to perform the same duties as are prescribed to the tehseeldars, in section XVIII.

XXXIV The darogahs of the wards, in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, shall perform the same duties, as are prescribed to the tehseeldars, in section XVIII.

Police officers of the city and towns, liable to prosecution for illegal acts in the same manner as the tehseeldars, and their officers by section XX.

XXXV. The cutwals, and the darogahs of the wards, in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the officers under their authority, shall be liable to prosecution in the civil or criminal courts, for acts of oppression, corruption, or extortion, or any acts not warranted by this Regulation, in the same manner as the tehseeldars and their officers, as prescribed in section XX.

Magistrates of the city and towns to furnish the cutwals and darogahs with sunnuds of office and translates of this regulation.

XXXVI. The magistrates of the city of Beneres, and the zillahs of Mirzapoor, Ghazeepoor, and Jaunpoor, are to furnish the cutwals, and darogahs of the wards, with sunnuds of office, and translates of this Regulation, in the Persian language, and the Hindostanee language and Nageree character. The sunnuds and translates abovementioned, are to be attested with the official seal and signature of the magistrates.

REGULATION XVIII.

A. D. 1795. REGULATION XVIII.

A REGULATION *for extending to the province of Benares, Regulation XVIII, 1793, entitled,* a Regulation for preserving complete, the records of the civil and criminal courts of judicature, and requiring the zillah and city courts, to transmit monthly reports of the suits decided by them, to the provincial courts of appeal, and directing the provincial courts of appeal, to submit monthly reports of the appeals and causes decided by them, to the Sudder Dewanny Adawlut.—PASSED *by the Governor General in Council on the 27th March,* 1795, *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbul; and the 5th Ramzaan* 1209 *Higeree.*

IT being requisite, on grounds similar to those stated in the preamble to Regulation XVIII, 1793, that the rules prescribed in that Regulation, for keeping complete the records of the civil and criminal courts of judicature, in the provinces of Bengal, Behar, and Orissa, and requiring reports of the causes and appeals determined in the civil courts, should be extended to the province of Benares, the following rule has been enacted.

II. Regulation XVIII, 1793, is hereby extended to the province of Benares.

Regulation XVIII, 1793, extended to Benares.

A. D. 1795. REGULATION XIX.

A REGULATION *for forming a quinquennial register of the landed estates in Benares, subject to the payment of revenue to government, and of the amount of the fixed annual revenue payable to government, from each estate.*—PASSED *by the Governor General in Council on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbul; and the 5th Ramzaan* 1209 *Higeree.*

THE public revenue assessed upon each estate under the rules for the permanent settlement, being fixed in perpetuity; and each estate being liable in progress of time to be divided, and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue depending upon the allotment of it on each portion of every estate so divided, being made agreeably to the rules prescribed in Regulations V and XXVII, 1795; and it being necessary for enabling the officers of government to apportion the public revenue in conformity to the rules contained in those Regulations, and for affording government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates, or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindarry or talook; and that every such union, and all such transfers, divisions, and allotments of the public revenue, that have taken place since the commencement of the quartennial or decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; the following rules have been enacted.

II.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate.

II. *First.* Every five years, the collector of the land revenue in Benares, is to prepare a register of all the estates in the province, of whatever denomination or description, the proprietors of which pay the public jumma, or revenue, assessed upon their estates, immediately to government. *(t)*

Explanation of the term estate.

Second. By the term estate, is to be understood, any land being malguzarry, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with government. *(v)*

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each sircar, are to be arranged in alphabetical order, according to the English alphabet.

Estates to retain their present names.

IV. Estates having names, are to retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate, regarding the name to be given to the estate, the collector shall name the estate, without reference to the Board of Revenue. *(u)*

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of talook, tuppa, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names, as follows:

Pessara
or
Singramow, (tuppa or talook,) &c.

Estates which form specific portions of zemindarries, &c. to be stated under the general head of the original estate.

Second. Where a zemindarry or talook, from whatever cause, shall have been or may be divided into a number of puttees or shares, each consisting of a specific and ascertained proportion of the original estate, and the putteedars or sharers, shall have the separate possession of their shares, and shall have entered into distinct engagements with government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindarry or talook of which they originally constituted a part, as follows:

Budlapoor.
Six Annas,
Three Annas,
Seven Annas,

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or mehauls, in an estate not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale, or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to government for the public revenue, the lands so transferred, (which agreeably to clause second, section II, will form a separate estate,) are not to be inserted under the head of the zemindarry or talook, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and

(t) A general purgunnah register of lands, both malguzarry and lakheraje, and an intermediate purgunnah register, have been established under R. 8, of 1800.

(v) See a further explanation of the term estate in R. 8, of 1800, S. 13.

(u) A Commissioner has been appointed for the superintendence of the revenues of the province of Benares, and for the general control of the collectors in the discharge of their several public duties, who has been invested with all the duties powers and authority which the Board of Revenue exercised in that province. See R. 1, of 1816.

distinct

distinct estates, and to be named under the rules above prescribed for the naming of estates.

Fourth. Under the head of each estate are to be specified, the names of all the local divisions, *and the villages contained therein,* alphabetically arranged, *and, where procurable from the accounts or records that may be obtainable, the rukbuh or measurement of each village, and the gross produce of it. Separate columns are to be allotted for the measurement of the villages, and for their gross produce, and where the measurement or the produce shall not be immediately procurable, the column for the measurement, or the produce, shall be left blank for the present, and be filled up at a future period whenever the villages may be measured by public authority to settle any dispute, or for other purposes, or the measurement or the produce may be otherwise obtained.* (w)

Names of the purgunnahs, villages &c. in each estate, to be specified.

Fifth. Where an estate consists of one, two, or more villages, not comprising a whole purgunnah, the name of the purgunnah in which the estate may be situated, is to be specified.

Names of purgunnahs of which estates may form a part only, to be specified.

VIII. The annual revenue assessed upon each estate, is to be inserted opposite to it in a separate column.

Jumma to be inserted opposite to each estate.

IX. The names of the proprietor or proprietors of every estate, shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Names of the proprietors of every estate to be inserted opposite to it.

X. The quinquennial register to be first formed for the province of Benares, shall commence with the Fussily year 1202, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the end of that year. Upon this register being completed, a similar register shall be forthwith formed to commence with the year 1197, and show the estates in the several circars, as they stood at the end of that year, being the first of the quartennial and decennial settlements. The quinquennial register to be formed at the commencement of the year 1207 of the Fussily era, and every succeeding five years, is to exhibit the estates in the province as they may stand at that, and each subsequent period.

Quinquennial register when to commence.

XI. The register to be first formed, and to commence with the Fussily year 1202, is to be numbered two. The register to be next formed, commencing with the year 1197, is to be numbered one. The register to be formed at the commencement of 1207, is to be numbered three; and every subsequent quinquennial register, in the order in which it may be formed.

Registers to be numbered.

XII. The register is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue, may be written, and is to be bound up in one volume, on the back of which, there shall be the following inscription "*Register of estates paying revenue to government in the province of Benares at the commencement of the year——Fussily era, corresponding with the year of our Lord——, number———.*"

Size of the paper for the register.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the dewanny adawlut of the city of Benares; and on the last leaf of the book, the judge is to specify in his own hand writing, the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

Leaves of the register to be paged and to be signed by the judge of the city of Benares. No register to be considered as authentic excepting such as may be paged, and be signed by the judge of the city of Benares.

XIV. It shall be the duty of the keepers of the native records, appointed under Regulation XXI, 1793, (extended to the province of Benares, by Regulation XXX, 1795,) to keep an exact counterpart of the English register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attes-

Counterpart register in the native languages, to be kept by the keepers of the native records.

(w) The italic parts of this section are rescinded by R. 8, of 1800, S. 11 and 12, which lay down other rules for preparing the quinquennial register prescribed by this Regulation.

ted by the judge of the dewanny adawlut of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XV. The counterpart registers are to be kept in the Persian language, *and the Hindostanee language and Nageree character.* (x)

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that originally formed a part of the same zemindarry, or talook, which may take place during the five years subsequent to the forming of each quinquennial register; the collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "*Register of intermediate mutations in landed property,*" and have the following inscription on the back "*Register of intermediate mutations in landed property, between the commencement of the year——and the expiration of the year——Fussily era.*" Previous to any entries being made in this register, it is to be paged, and the judge of the dewanny adawlut of the city of Benares is to sign each leaf of it, and on the last leaf, specify in his own hand writing the number of pages contained in the book. The collector shall cause to be entered in this register, all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same zemindarry, or talook, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature. (y)

Further rules to be observed in keeping the register of intermediate mutations in property.

XVII. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the collector is to insert in the quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and, at the end of the note of the alteration in the last mentioned register, he is to insert in red ink, the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations, is to specify the requisite particulars for completing the entries, in the next quinquennial register, or refer to them, if they be contained in the preceding quinquennial register. The collector is strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property being notified to him.

Counterpart of the English register of intermediate mutations in property, to be kept by the keepers of the native records.

XVIII. A counterpart of the register of intermediate mutations in landed property, is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the judge of the dewanny adawlut of the city of Benares.

How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations, are to be noted.

XIX. When a quinquennial register shall have been transcribed fair into the book attested by the judge of the city of Benares, as directed in section XIII, if it shall be discovered that the entries respecting any estate, are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered, or erased, but are to stand; and the collector is to cause the errors or omissions to be noted in the register of intermediate mutations, and attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entry in the

(x) Rescinded by R. 8, of 1800, S. 15, which directs the counterparts of the English registers to be kept in the Persian language only.

(y) See explanations in R. 8, of 1800, S. 14, as to the contents of the register directed to be kept by this section.

quinquennial

quinquennial register, the number of the page in the register of intermediate mutations, in which the errors or omissions are noted, and at the end of the note, specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations, are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register, and register of intermediate mutations in the native languages.

XX. Erroneous or incomplete entries, in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Where titles to estates are disputed, the party in possession to be registered as the proprietor.

XXI. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice at the time of forming the first, or any subsequent, quinquennial register, the party in possession, is to be registered as the proprietor.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

XXII. *First.* The collector will be furnished through the following channels, with the necessary information regarding the mutations in landed property, for making the requisite entries in the register of intermediate mutations.

Judges of the city and zillahs to furnish him with copies of decrees relating to malguzarry land.

Second. The city court, and the zillah courts, are required by section IV, Regulation VIII, 1795, to transmit to him, copies of all decrees that they may pass, or which may be sent to them to be enforced by the provincial court of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to government.

Board of Revenue to furnish him with an account of sales of such lands made at Calcutta.

Third. The Board of Revenue, is to furnish him with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Particulars of sales made by him to be taken from the accounts in his own possession.

Fourth. In cases in which lands may be ordered to be sold at his cutcherry, he will have in his own possession, the authority for the sale, and all the necessary information regarding the property transferred.

As also in cases of the division or the union of estates.

Fifth. He will likewise have in his possession, the requisite information respecting the division or union of estates, which may take place under Regulation XXV, 1793, and Regulation XXVI, 1795, (z) by which it is directed, that the division and union of all estates, are to be made under his superintendence.

Transfers of land will be notified to him under Regulation XXVII, 1795.

Sixth. By Regulation XXVII, 1795, transfers of estates, or portions of estates, must be notified to him before the name of the new proprietor, can be inserted in the register directed to be kept by the present Regulation. (a)

Keepers of the registers to notify to him transfers that may be registered.

Seventh. The keepers of the registers established under Regulation XXXVI, 1793, (extended to Benares by Regulation XXVIII, 1795,) are required by that Regulation, to furnish him with the particulars of all transfers of landed property, that may be entered in their registers. (b)

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the collector for preparing the registers.

XXIII. If a collector shall have occasion to require from a talookdar, zemindar, or other proprietor, or the farmer of an estate, or from a putteedar, distinct or common, or from an under farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose, under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, for the information of the Governor General in Council, who reserves to himself the power of imposing on such person, whatever fine may appear

(z) Regulation 25, of 1793, and Regulation 26, of 1795, are both rescinded by R. 19, of 1814, S. 2, in which will be found the existing rules regarding the partition of estates paying revenue to government.

(a) And by R. 8, of 1800, S. 20 and 21, the proprietors of estates, farmers, and others, are required to give notice to the collectors of the establishment of new villages upon estates paying revenue to government, and of the changes in the proprietary right to lands whether paying revenue or not, under certain penalties.

(b) No such rule or requisition is contained in either R. 36, of 1793, or R. 28, of 1795.

proper,

proper, upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue, of any such fines that may be imposed by the Governor General in Council, the collector is to levy the amount, by the process to which he is authorized to have recourse for the recovery of arrears of revenue.

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXIV. The collector of Benares, is to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial register, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the dewanny adawlut of the city of Benares, in the same manner as the original register, as directed in section XIII; and within one month after the expiration of the third, sixth, ninth, and twelfth month, of each Fussly year, an attested copy of the entries in the register of intermediate mutations, that may have taken place during the three preceding months. *(c) The collector is to transmit similar copies of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judges of the dewanny adawlut of the city and zillahs, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut, with an attested copy of the quinquennial registers, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collector. (d)*

Courts, the Board of Revenue, and the collector, to be careful to preserve the old quinquennial registers and registers of mutations.

XXV. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials, as may be best calculated to prevent their being destroyed by insects.

Board of Revenue to prepare a form for the quinquennial register, and for the register of intermediate mutations of property.

XXVI. Upon the receipt of this Regulation, the Board of Revenue are to prepare forms for the quinquennial register, and the register of intermediate mutations, so that the first mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the sircars, purgunnahs, or other established divisions of the country, in which the estates may be situated; and, after submitting the forms for the approbation of the Governor General in Council, they are to transmit a copy to the collector. The approved forms are not to be altered without the sanction of the Governor General in Council; but the Board of Revenue are to suggest any improvements in the form that may occasionally occur to them, and, in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the collector is to proceed to collect the necessary papers and information, for forming the quinquennial register, which is to commence with the Fussly year 1202, and to register all mutations in property in the province of Benares, that may take place subsequent to the receipt of this Regulation. When the quinquennial register for the above year is completed, or earlier if practicable, the collector is to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the quartennial and decennial settlements, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials, the register to commence with the year 1207, and every subsequent quinquennial register, is to be formed.

XXVII. The quinquennial register to be formed at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations. The materials for each quinquennial register, will thus be ready upon the arrival of the period for prepar-

(c) The copy of the quinquennial register, and entries from the register of intermediate mutations, here mentioned, are to be sent to the accountant to the Commissioner for Behar and Benares, instead of being sent to the Commissioner direct. See certain duties prescribed to the accountant, regarding those register and entries, in R. 8, of 1800, S. 15.

(d) Rescinded by R. 8, of 1800, S. 15.—See other rules therein.

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ing it, and the register will be completed, by the mere transcript of them into the book, arranged according to the prescribed form.

XXVIII. No part of this Regulation, is to be considered to preclude any person, who may deem himself entitled to any estate, or portion of an estate, paying revenue to government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person, from suing for the same in the court of dewanny adawlut in which the claim may be cognizable.

All persons at liberty to sue for any landed property registered in the name of another.

A. D. 1795. REGULATION XX.

A REGULATION *for disposing of malguzarry and lakheraje lands, at public sale, pursuant to decrees of the courts of justice.*—PASSED *by the Governor General in Council on the 27th March, 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fussly; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

IN cases in which portions of estates may be ordered to be sold in satisfaction of decrees of the courts of judicature, it is necessary for the security of the public revenue, that the jumma to be charged on the lands directed to be disposed of, should be adjusted agreeably to the principles prescribed in clause ninth, section VII, Regulation V, 1795, and in section VII, Regulation XXVII, 1795. The Board of Revenue and the collector, being in possession of the accounts and information necessary for the adjustment of the jumma, and as the superintending the details of the attachment and sale of lands, would necessarily occupy much of the time of the courts, and often occasion a delay in the enforcement of the decrees; and it being necessary that government should have the means of compelling the proprietors to furnish the requisite accounts and information, for enabling the public officers to apportion the jumma; and that the courts by which the decrees may have been passed, or to which the enforcing of them may be committed, should be vested with a power of countermanding or postponing the sale, in the event of the amount of the decree being discharged previous to the sale being made, or for other cause that may appear to them sufficient; the following rules have been accordingly enacted.

II. When a court of civil judicature shall have occasion to have recourse to the sale of lands paying revenue to government, in satisfaction of a decree, the court by which the decree is to be enforced, is to transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue. *(e)*

Copy and translate of decrees to be enforced by the sale of malguzarry lands, to be transmitted to the Board of Revenue.

III. The Board of Revenue are to proceed, with all practicable dispatch, to dispose of such portion of the lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board are to cause the lands to be disposed of at the presidency, or in the district in which the lands may be situated, according as they may deem most advantageous for the proprietor. The Board are to report for the information of the Governor General in Council, all orders for sales of land which they may issue under the powers vested in them by this Regulation, immediately on the same being issued by them. *(f)*

Board of Revenue to proceed to the sale of the lands without delay.

Orders for sales of lands to be reported to the Governor General in Council.

(e) A Commissioner has been appointed for superintending the revenues of the province of Benares, and for the general control of the collectors in the discharge of their several public duties; who exercises all the duties, powers, and authority, which were formerly exercised in that province by the Board of Revenue. See R. 1, of 1816.

(f) The Commissioner is empowered to determine on the sale of lands, whether occurring for the recovery of arrears of the public revenue, or under the provisions of this Regulation, without making any reference to the Governor General in Council. See R. 7, of 1799, S. 30, (extended to Benares by R. 5, of 1800, S. 27,) and R. 18, of 1814. See also the provisions of R. 5, of 1796, explaining certain parts of the existing Regulations relative to public sales of land, (extended to Benares by R. 5, of 1800, S. 26.)

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Public revenue to be charged on the lands to be sold, to be fixed agreeably to clause ninth, section VII, Regulation V, 1795, and section VII, Regulation XXVII, 1795.

IV. The public jumma or revenue to be charged, on the portion of any estate ordered to be put up to sale, is to be adjusted agreeably to the principles prescribed in clause ninth, section VII, Regulation V, 1795, and in section VII, Regulation XXVII, 1795.

Board of Revenue empowered to order the attachment of lands directed to be sold.

V. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the collector to attach the lands ordered to be sold, by deputing an aumeen to take charge of them, or by placing them under the nearest tehseeldar, or other revenue officer. The officer to whom the lands may be committed, is to collect the rents and revenues, to prevent waste being committed by the proprietor, and to furnish any information that may be required for the adjustment of the jumma.

Expenses of the attachment and sale, to be defrayed by the proprietor.

VI. The expenses attending the attachment and sale of the lands, after being approved by the Board of Revenue, are to be charged to the account of the proprietor, and are to be defrayed either from the collections made from the lands, or from the proceeds of the sale, if the collections shall be insufficient for that purpose.

Proprietors of the lands may appoint officers to keep counterparts of the aumeen's accounts.
Rules to be observed by the aumeen in making the collections.

VII. The proprietor of the lands to be sold, may appoint his dewan, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the aumeen. The aumeen is to collect according to the engagements that may subsist between the proprietor, and the other landholders and putteedars, distinct and common, and the under farmers and ryots, and is not to make any alterations whatever in such engagements, or exact more than the amount specified in them, and he shall be liable to a prosecution in the dewanny adawlut, for any alteration or infringement of such engagements in opposition to this section. In cases in which no engagements may exist between the proprietor, and the other landholders and putteedars, distinct or common, or under farmers, or ryots, the aumeen is to collect from them according to the established rates and usages of the purgunnah. (g) The aumeen shall likewise be subject to a prosecution by the proprietor or proprietors of the estate, for embezzlement, or injuries done to the estate, or farm, during the time that the collection of the rents and revenues of it may be intrusted to him.

Rules in the preceding section applicable to tehseeldars, or other officers appointed to take charge of the lands ordered to be sold.

VIII. The rules in the preceding section with regard to aumeens, are to be considered equally applicable to tehseeldars, or other officers, to whose charge lands ordered to be sold may be committed.

Punishment for resisting, or causing to be resisted, the officer deputed to attach the lands to be sold.

IX. If a proprietor, or proprietors, or, (if the lands be let in farm), a farmer, or his or their surety or sureties, shall resist or cause to be resisted, the aumeen, or other officer, whom the collector, by the authority of the Board, of Revenue, may direct to attach lands ordered to be sold, the collector is to proceed against the offender, in the manner in which he is directed in Regulation VI, 1795, to proceed against proprietors and farmers, or their sureties, who resist the process which he may issue under that Regulation; and all the rules contained in that Regulation, respecting proprietors, putteedars, farmers, or sureties, who may resist or cause to be resisted, the process issued by the collector under that section, are to be considered applicable to those who may resist, or cause to be resisted, the officer who may be ordered by the collector to attach their lands under section V, of this Regulation. Any other description of persons guilty of the offence specified in this section, shall be subject to the same process and punishment, as sureties so offending.

Penalty for proprietors or farmers who may not attend, or depute an agent, with the accounts and information, necessary for the adjustment of the jumma.

X. The proprietor, or, (if the lands be let in farm,) the farmer of the lands ordered to be sold, upon receiving a written order for that purpose from the collector, under his official seal and signature, shall attend the aumeen or other officer in person, or order an agent duly empowered and informed, to attend him, if the collector shall deem it sufficient to require the attendance of an agent only, with any accounts of the collections and jumma of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the jumma at which the lands are to be dis-

(g) See R. 5, of 1812, S. 5, regarding the collection of rents—— "according to the established rates and usages of the purgunnah."

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posed of. If the proprietor or farmer, shall omit or refuse to attend, or to cause an agent of the description above specified to attend, by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the confirmation of the Governor General in Council. The fine is to be levied by the same process as is prescribed for the recovery of arrears of revenue. *(h)*

Proprietors and farmers, to cause the attendance of the putwarries and zemindarry officers on the aumeen or officer, on receiving a written requisition to that effect from the collector.

XI. The proprietor or farmer, shall likewise cause the putwarries to attend the aumeen, or other officer, to assist him in making the collections, and for the purpose of furnishing him with the accounts and information necessary for adjusting the jumma as required by section IX, Regulation XXVII, 1795; as well as any other of the zemindarry officers, whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the collector to that effect; and in the event of his omission or refusal, he shall be subject to the same penalty as for the breach of the rules in the preceding section.

Publication of the sale, where to be made, how long to be fixed up, and what it is to contain.

XII. Previous to any sale of land taking place, a publication is to be made in the Persian language, and in the Hindostanee language and Nageree character, specifying the jumma at which the lands, or the several lots of them, if they are ordered to be sold in two or more lots, are to be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place for which the purchaser is to be responsible, or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court room of the dewanny adawlut of the city or zillah, the office of the collector, the principal town or village in the lands to be sold, and the office of the secretary to the Board of Revenue. The publication is to be fixed up at the several places abovementioned, for a term not less than one month before the sale takes place. The other conditions of sale contained in sections XIII and XIV, as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it. *(i)*

Other conditions of sale to be fixed up in the room in which the sale is to take place.

Deposit of five per cent to be made by the purchaser at the time of the sale.

XIII. A deposit of five per cent *(j)* on the amount of the purchase money, is to be made at the time of the sale, by the purchaser of the lands. If the purchaser shall omit to discharge the purchase money within the period which may be stipulated, he is to forfeit the deposit to government, and the lands are to be resold at such purchaser's risk and expense. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the proprietor.

Consequence of not paying the purchase money by the limitted time.

First purchaser how to be proceeded against, in the event of his omitting to make the deposit or pay any deficiency or expense arising on a re-sale.

XIV. If the first purchaser shall refuse or omit to make the deposit, or to pay, within the required time, the amount of the deficiency, and the expenses arising on the re-sale, after being served by the collector in whose jurisdiction he may be or reside, or by the Board of Revenue, if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Regulation VI, 1795, to be served on proprietors and farmers of land from whom arrears of revenue are due, the amount shall be

(*h*) Extended to case of sales of land for the recovery of arrears of revenue, by R. 7, of 1799, S. 29, C. 1, extended to Benares by R. 5, of 1800, S. 26. See the further provisions of R. 1, of 1801, S. 5 and 8, (extended to Benares by S. 15, of the same Regulation,) for compelling the production of the accounts of the estate, or of a portion thereof, which may be proposed to be sold, and for adjusting the public assessment upon a portion of an estate, when the true village accounts may be found to have been fabricated, or may not be forthcoming.

(*i*) See further rules for the sale of lands at public sales in R. 7, of 1799, S. 29, and R. 1, of 1801, S. 10—both extended to Benares by R. 5, of 1800, S. 26, and R. 1, of 1801, S. 15.

(*j*) Increased to fifteen per cent by R. 12, of 1796, S. 2.

levied

levied from him, by the same process as is prescribed for enforcing decrees of the courts of judicature.

Purchasers not to be responsible for arrears or suspensions of revenue unless otherwise stipulated.

By whom arrears and suspensions of revenue are to be made good.

Rule respecting arrears of rent or revenue due to the former proprietor.

XV. The purchasers of land sold under this Regulation, are not to be held responsible for any arrears or suspensions of revenue, that may be due to government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid from the proceeds of the sale, or by the former proprietor, or recovered by the prescribed process against any other property which he may possess, or against both his property and person, if necessary. Arrears of rent or revenue that may be due to the former proprietor from the other landholders, or from the putteedars, distinct or common, or under farmers or ryots, preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the dewanny adawlut of the city or zillah. The defaulting proprietor however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Courts empowered to countermand or postpone sales of lands ordered to be made in satisfaction of decrees.

XVI. Where a sale of the lands of any person shall have been ordered to take place in satisfaction of a decree, the court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered, in the event of the amount of the decree being discharged, or for other cause that may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the collector, if the lands shall have been ordered to be sold by the collector, or by an address to the Board of Revenue, if the lands shall have been directed to be sold by them, in which precept, or address, the court shall state their reasons for ordering the sale to be countermanded or postponed, and in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the lands. The Board of Revenue and the collector, are to conform to the requisitions of such precepts or addresses from the courts, for countermanding or suspending the sale of lands.

Rules in the preceding sections, to be applied to lands held exempt from the payment of revenue to Government, as far as they are applicable. Transfer of such exempted lands by sale in liquidation of decrees, not to affect the rights or claims of Government.

XVII. The rules in the preceding sections, are to be considered applicable to lands held exempt from the payment of revenue to government, as far as they may be applicable to the circumstances thereof, with this addition, that the purchaser of such exempted lands, is to be considered as having succeeded only to the rights of the former proprietor, and that the transfer is not to bar any claims of government for the recovery of the public dues, under any existing Regulation, or any other Regulation that may be hereafter enacted.

Transfers of lands to be entered in the public registers.

XVIII. When the sale of the lands shall have taken place, the collector is to cause the entries of the transfer to be made in the public registers.

Sales to affect no more than the proprietary right of the party or parties on whose account they are declared to be made.

XIX. In view to the nature of tenures in the province of Benares, and to the numerous subordinate titles to land that exist within the same talooka, or zemindary, or village, or villages, the revenue assessed on which is often rendered payable under one pottah, by no more than one or more of the principal proprietors, as set forth in Regulations II and VI, 1795, it is to be understood, that the purchaser of lands thus situated, in which there shall be more than one person possessing superior or subordinate proprietary claims, is to be considered as having purchased and succeeded to the proprietary rights only of the party or parties on whose account the sale shall be declared to be made, without otherwise affecting the other proprietary titles within the tenure.

A. D. 1795. REGULATION XXI,

A REGULATION *for preventing brahmins in the province of Benares establishing koorhs, wounding or killing their female relations, or children, or sitting dhurnah; and for preventing the tribe of Raujekoomars in that province killing their female children.*— PASSED *by the Governor General in Council, on the 27th March, 1795; corresponding with the 16th Chyte 1201, Bengal era; the 22d Chyte 1202 Fussly; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

THE reverence paid by the Hindoos to brahmins, and the reputed inviolability of their persons, and the loss of, or prejudice to cast, that ensues from proving the cause of their death, have in some places in the province of Benares, and more especially in the purgunnahs of Kuntit and Budhoee, been converted by some of the more unlearned part of them, into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed, in enforcing against such brahmins any process or demands on the part of government. The devices occasionally put in practice under such circumstances by these brahmins, are, lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or, sometimes actually swallowing poison, or some powder which they declare to be such; or, constructing a circular enclosure called a koorh, in which they raise a pile of wood or of other combustibles, and betaking themselves to fasting, real or pretended, place within the area of the koorh, an old woman, with a view to sacrifice her by setting fire to the koorh, on the approach of any person to serve them with any process, or to exercise coercion over them on the part of government, or its delegates. These brahmins likewise, in the event of their not obtaining relief within a given time, for any loss, or disappointment, that they may have justly or unjustly experienced, also occasionally bring out their women or children, and causing them to sit down in the view of the peon who is coming towards them on the part of government, or its delegates, they brandish their swords, and threaten to behead, or otherwise slay, these females, or children, on the nearer approach of the peon; and there are instances, in which from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds on their own bodies, but put to death with their swords, the females of their families or their own female infants, or some aged female procured for the occasion. Nor are the women always unwilling victims; on the contrary, from the prejudices in which they are brought up, it is supposed that in general they consider it incumbent on them to acquiesce cheerfully in this species of self devotement, either from motives of mistaken honor, or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting some charitable donation, frequently proceed either with some offensive weapon, or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be attained; and that it is equally incumbent on the party who is the occasion of such brahmin's thus sitting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented, as according to the received opinions, neither the one nor the other can be attempted, but at the risk of the brahmin's wounding himself with the weapon, or swallowing the powder or poison, with which he may have come provided. These brahmins however, are frequently obliged to desist, and are removed from sitting dhurna

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by the officers of the courts of justice, without any ill consequence resulting, it having been found by experience, that they seldom or ever attempt to commit suicide, or to wound themselves or others, after they are taken into the custody of government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years had been generally prevalent amongst the tribe of Raujekoomars inhabiting the borders of the province near Juanpoor, of destroying their infant female children, by suffering them to perish for want of sustenance, are hereby enacted with modifications into a Regulation. *(k)*

Brahmins establishing a koorh or preparing to maim, wound, or slaughter his women or children.

II. Upon information in writing being preferred to the magistrate of the city or a zillah court, against any brahmin or brahmins, for establishing a koorh, or for being prepared to maim, wound, or slaughter his women or children, or any or either of them, in the manner described in the preamble to this Regulation, or in any manner substantially similar thereto, on account of any subject of discontent, or any other account whatsoever; in such case, upon oath being made to the truth of the information, the magistrate is immediately to address to the said brahmin or brahmins, a written notice in the Persian language and character, and in the Hindostanee language and Nageree character, and under his official seal, which notice is to be served on him or them, by such of the relations, friends, or connections of the said brahmin or brahmins, as the magistrate may think fit, and have an opportunity of employing for the purpose; and in default of such relations, friends, or connections of the said brahmin or brahmins, the magistrate is to cause the notice to be served by a single peon of the same religion; and the notice shall require the said brahmin or brahmins to remove the *koorh*, and the women and people, that may be placed in it; or, to desist from any preparation towards wounding or slaughtering the women or children, according as either or both of these facts shall be charged in the information. The notice shall also contain a positive and encouraging assurance to the brahmin or brahmins in question, that on his or their complying with the principal exigence thereof, by removing the koorh, and the person or persons therein, or by desisting from any preparation to wound or slaughter the women and children, and thereon repairing (as such brahmin or brahmins may think fit) in person, or by vakeel to the city or zillah court, proper inquiry shall be made concerning the dispute that may have given occasion to the act or acts thus prohibited. But if the issuing of the notice, shall not have the effect of inducing the said brahmin or brahmins to comply with the exigence thereof, a written return to that purpose is to be made and attested by the party or parties intrusted with the serving of it; and the magistrate is thereon to issue a warrant under his official seal and signature for the apprehension of the said brahmin or brahmins, specifying the misdemeanor and contumacy with which he or they stand charged; and the execution of the warrant is to be committed to peons of the Mahomedan religion, nor is any Hindoo to be sent on such duty. On the brahmin or brahmins against whom the warrant shall have been issued being brought before the magistrate, he or they are to be dealt with, in the mode prescribed in section V, Regulation IX, 1793, respecting persons charged with crimes or misdemeanors; and if it shall appear to the magistrate on the previous inquiry, which by the said section he is himself directed to make, that the misdemeanor or misdemeanors charged, (that is the constructing of the koorh, or being prepared to wound or slay the women or children, according as either or both of these acts shall have been charged,) were actually committed, and that there are grounds for suspecting the prisoner or the prisoners respectively to have been concerned, either as a principal or an accomplice, in the perpetration of either or both of these acts; the magistrate shall cause him or them to be committed to prison or held to bail (according as the parties shall appear to have been principals or accomplices,) to take his or their trial at the next session of the court of circuit, and shall bind over the in-

(k) See R. 6, of 1802, for preventing the sacrifice of children at Saugor and other places.

formant

formant or complainant, and the witnesses, to appear at the trial, in the manner prescribed in the aforesaid section.

III. The court of circuit shall conduct the trial of the brahmin or brahmins charged with the above offences, in the manner prescribed in Regulations IX, 1793, and XVI, 1795, in respect to other offences; but as the Mahommedan law cannot adequately apply to offences of this local nature, it is therefore hereby provided and ordered, that where in the opinion of the court of circuit, the charge of being a principal in respect to the constructing of a koorh, or to having been prepared to wound or slay the women or children, shall be proved, the said court shall sentence the prisoner to the payment of a fine equal to the amount of his annual income, which is to be estimated according to the best information that they may be able to procure respecting it; and on proof to the court's satisfaction of the prisoners being guilty only as an accomplice, he shall be sentenced to the payment of a fine equal to one fourth of his estimated annual income. In all cases of parties being sentenced to the payment of such fines, they are to be committed to, and are to remain in jail until the amount thereof be paid, or until they shall have delivered to the court of circuit, or, after the said court's departure, to the magistrate, full and ample malzaminy or security, to pay the same within six months from the date of their release; and such parties, before their enlargement, either in consequence of their having liquidated, or having entered into security for the payment of, the fine imposed on them, shall deliver into the court of circuit, or, in their absence, to the magistrate, fael-zaminy or satisfactory security from one or more creditable persons, not to offend in like manner in future.

Process of the trial, and the punishment to be inflicted, for the commission of the aforesaid offences.

IV. All sentences passed by the court of circuit under section III, without however any intermediate suspension of their execution, are to be transmitted within ten days after their being passed, to the Nizamut Adawlut, which court may order such mitigation and restitution of the fine or fines thereby imposed, as may be thought proper; but until the order be issued by the Nizamut Adawlut, the sentence of the court of circuit is to be considered in full force, and to be carried into effect accordingly. (l)

Authority reserved to the Nizamut Adawlut to mitigate such fines.

V. In case any brahmin or brahmins against whom the city or a zillah magistrate, may issue the warrant prescribed in section II, shall refuse to obey, or resist or cause to be resisted, the peons deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place, so that the warrant cannot be served upon him or them, the magistrate shall issue a precept to the collector requiring him to cause the nearest tehseeldar to attach the lands that such brahmin or brahmins may possess in property, or in mortgage, or in farm, or lakheraje. The lands shall remain attached until he or they surrender, and the collections made during the attachment, after deducting such revenue as may fall due to government, shall be accounted for, and paid to, the party against, or on account of, or in resentment to, whom, the koorh was originally established, or the woman or women, or child or children, were to be wounded or slain; and after the surrender or apprehension of the brahmin or brahmins who set up the koorh, or was or were prepared to wound or slay his or their women or children, or either of them, his or their lands shall be released; but he or they shall be proceeded against, in respect to his or their trial for the original offence or offences, as prescribed in sections III and IV. (m)

Penalty for brahmins absconding, for whose apprehension the magistrate shall have issued a warrant under section II.

VI. In the event of any brahmin or brahmins establishing a koorh, or preparing to wound or slay his or their women or children, or any or either of them, with a view to prevent the serving of any dustuck or writ on him or them, for arrears of

Collector to apply to the magistrate in case of brahmins establishing a koorh, or being prepared

(l) See R. 14, of 1810, S. 2, 3, and 4, defining the powers of the Nizamut Adawlut in cases of pardon and mitigation of punishment.

(m) Modified by R. 11, of 1796, S. 2. See the mode of proceeding, and the nature of the judgment to be passed against persons convicted of resistance to the process, warrant, or order of the zillah or city magistrate.

revenue

to kill or wound, women or children, on account of any process from the revenue department.

revenue by the local tehseeldar, or by the collector of Benares, in the manner in which by Regulation VI, 1795, they are respectively authorized to issue such dustucks; if it be the dustuck of the tehseeldar that is thus opposed, he is not, after being informed thereof, to persist in enforcing it, but is to report the case immediately to the collector, accompanied by the written testimonies of the peon deputed to serve the dustuck; upon receipt of which information, or in case of his own original process being in like manner resisted, the collector is to represent through the vakeel of government, the amount of the balance due by such brahmin or brahmins, and the circumstances attending the issuing of his own or of his tehseeldar's process for realizing it, to the judge and magistrate of the city or zillah in whose jurisdiction the lands on account of which the arrears shall be due, may be situated; and upon the peon deputed with the tehseeldar's or the collector's dustuck, or any other creditable person or persons, attending in court, and making oath to the truth of the circumstance stated in the representation of the collector, either as to the constructing of a koorh by such brahmin or brahmins, or as to his or their being prepared to wound or slay the women and children, or any of them, (according as one or both of these expedients, shall be stated to have been resorted to by the brahmin or brahmins in question,) the magistrate is thereon to issue to such brahmin or brahmins a written notice under his official seal in the Persian language and character, and in the Hindostanee language and Nageree character, which is to be served on him or them by such of the relations, friends, or connections, of the said brahmin or brahmins, as the magistrate may think fit, and have an opportunity of employing for the purpose; and in default of such relations, friends, or connections, of the said brahmin or brahmins, the magistrate is to cause the notice to be served by a single peon of the same religion, and the tenor of it shall require the said brahmin or brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation for wounding or killing the women or children, (according as either or both of these offences may be charged in the information,) as likewise, either to discharge the balance of rent or revenue that shall have been demanded from him or them, or to appear, and entering security for such part of it as he or they may have pleas against the payment of, to file his or their objections to the payment of such part, in the city or zillah court, that the merits of the case may be enquired into and decided, according to the principles by which other disputed demands and accounts of revenue are under Regulation VI, 1795, directed to be determined; and the said notice is also to contain a positive and encouraging assurance to the brahmin or brahmins in question, that on his or their complying with the exigence of it, by removing the koorh and the persons therein, or by desisting from any preparation to wound or slay the women and children, and either discharging the balance of revenue in demand, or repairing in person, or deputing a vakeel, to the city or zillah court, and entering security for the amount of it, proper enquiry shall be made into the pleas that he or they may have to state against the justice of the demand. If the issuing of the notice shall fail to induce the said brahmin or brahmins to comply with the requisitions of it, a written return to that effect is to be made and attested by the party or parties intrusted with the serving of it, and the magistrate is immediately to issue a warrant under his official seal and signature for the apprehension of such brahmin or brahmins, in which shall be specified the misdemeanor, contumacy, and arrear, with which he or they stand charged; and the warrant shall be executed by peons of the Mahomedan religion, as directed in section II; and if the brahmin or brahmins shall refuse to obey, or resist, or cause to be resisted, the peons deputed to serve it, or escape, after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place, so that the warrant cannot be served on him or them; the magistrate, on information to this effect, shall issue a precept to the collector, to cause the nearest tehseeldar to attach the lands that such brahmin or brahmins may possess in property, or in mortgage,

Notice, and

Process to be issued by the magistrate thereon.

or

or in farm, or lakheraje; and the lands shall accordingly remain attached, and the profits of them be appropriated by government, until the liquidation of the balance shall be effected, either from the produce, or in consequence of the said brahmin or brahmins making good the same from his or their other means; and also, until the said brahmin or brahmins shall have been brought, or made his or their appearance, before the court, when he or they shall be tried for being concerned either as principals or accomplices in setting up the koorh, or for having been prepared to wound or slay his or their women or children, or any or either of them, in the same manner, and with the same reservation as to the mitigation of the sentence, as is specified in sections II, III, and IV. *(n)*

Brahmins causing the construction of a koorh and persons firing it, to be tried on a charge of murder for the loss of the life or lives of any person or persons that may be thereby occasioned.

VII. If any brahmin or brahmins, on account of any discontent or alarm, well or ill founded, either against government, or its officers, or servants, shall establish a koorh, in which any person or persons shall, at any period from its construction until its removal, be burnt to death, or otherwise lose their lives, in consequence of such koorhs being set fire to, by any person whomsoever; the brahmin or brahmins who shall have caused the construction thereof, shall be held chargeable with, and made amenable for, the crime of murder; as well as the party or parties who may have been immediately employed, or aided in setting fire to the pile or combustibles in question; and upon proof of the fact to the satisfaction of the court of circuit, such brahmin or brahmins, and such person or persons, setting fire to the koorh, shall be sentenced on trial before the said court, to suffer the punishment of death, in the same manner as if they had committed and been convicted of kutl amd, or premeditated murder, according to the doctrines of the Mahommedan law; and with a view to render the example as public as possible, such sentence (whether consistent with the futwah of the Mahommedan law officers, or otherwise,) is in this case, to be accordingly formally passed by the court of circuit on the brahmin or brahmins thus convicted; but it is to be at the same time explained to the party or parties thus condemned, as it is also hereby expressly provided, that all such trials, and the sentences passed, are by the court of circuit to be submitted (in like manner as is prescribed in section XLVII, Regulation IX, 1793,) to the Nizamut Adawlut, and the party or parties condemned under this section, are to remain in jail to await the final judgment of that court; and if the Nizamut Adawlut shall approve of the condemnation, it shall order the brahmin or brahmins in question to be conveyed to Calcutta to be thence transported for life in conformity to section XXIII, Regulation XVI, 1795, which establishes this commutation for the legal punishment of murder perpetrated by brahmins within the province of Benares; or, if the court of Nizamut Adawlut shall see cause for not proceeding pursuant to the sentence passed by the court of circuit, either in respect to the brahmin or brahmins who may have caused the construction of the koorh, or to the party or parties who may have been employed or aided in firing it, *they shall submit the case or cases to the Governor General in Council, and either recommend a pardon, or such other commutation by way of mitigation of the punishment, as to the said court may seem proper. (o)*

Punishment for brahmins wounding women and children.

VIII. If any brahmin or brahmins, under the circumstances, and in the manner, described in the preamble to and the following sections of this Regulation, or under such circumstances, and in such manner, as shall be substantially similar thereto, with a sword, or other offensive weapon, or otherwise, shall actually wound his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury committed towards him or them, by any aumils, tehseeldars, or other officers, or servants, employed in the revenue or judicial departments; or shall so wound any of his or their own women or children, or

(n) Modified by R. 11, of 1796, S. 2. See the last note.

(o) Rescinded by R. 14, of 1810, S. 2. See the provisions of that Regulation vesting in the Nizamut Adawlut an absolute discretion for granting pardon or mitigation of punishments.

any

any other women or child, on account or in resentment of, his or their differences with any individual; he or they shall for such act or acts, be sentenced by the court of circuit to transportation, subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment, or pardon, as in the cases referred to in section VII.

Punishment for brahmins killing women or children.

IX. If any brahmin or brahmins, under the circumstances, and in the manner, described in the preamble to and subsequent sections of this Regulation, or under such circumstances, and in such manner, as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually put to death his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury, committed towards him or them, by aumils, tehseeldars, or any other officers, or servants, employed in the revenue or judicial departments; or shall so put to death any of his or their own women or children, or any other women or child, on account or in resentment of, his or their differences with any individual; he or they shall be tried for such homicide, and on proof of the fact or facts, be accordingly sentenced by the court of circuit to capital punishment, subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment, or pardon, as in the cases referred to in section VII; and the families of any brahmin or brahmins found guilty of murder under this section, shall, according to the order of the Governor General in Council under date the 17th of June 1789, and the publication made in conformity to it by the resident at Benares under date the 7th of July of the same year, be banished from the province of Benares, and the Company's territories; and his and their estates in land shall be forfeited, and disposed of as to government shall seem proper; and accordingly, the court of circuit is required to subjoin this order to all sentences that they may pass on brahmins for murder under this section, at the same time reporting such sentence and order to the Nizamut Adawlut, together with as accurate an account as they may be able to procure, of the number, sex, and age, of the persons composing the family of such brahmin or brahmins, and annexing their opinion how far it may be advisable or otherwise, rigorously to enforce the banishment of the family of such brahmin or brahmins, or to confirm, or mitigate, or annul, the order for the forfeiture of their real property; and the Nizamut Adawlut, on consideration of this sentence and order, and of the opinion of the court of circuit, shall either wholly confirm, *or recommend to the Governor General in Council such mitigation of, the said sentence and order, as shall appear to them proper;* (p) and in all cases where the forfeiture of landed property of such brahmin or brahmins, and that of his or their family, shall be confirmed by the Nizamut Adawlut, the said court is to advise the Governor General in Council thereof, nor shall such sentence be carried into execution as far as regards the forfeiture of the landed property, without an order from the Governor General in Council approving such part of the sentence, and directing in what manner the lands thus forfeited shall be disposed of.

Families of such brahmins to be banished and lands forfeited.

Limitation as to the forfeiture of the family lands of the offenders.

X. *In the exercise of the discretion vested in the Nizamut Adawlut by section IX, of recommending to the Governor General in Council, the mitigation of sentences and orders passed by the court of circuit, under the said section,* it shall be a rule, that whenever the *Governor General in Council shall in consequence* (q) deem it proper to limit the banishment either to the party or parties committing the murder, or to a certain number only of his or their family or families; no confiscation or forfeiture of the landed property shall in such instances take place, but the same shall be entirely left in the possession, and as the property, of those members of the family who shall be exempted from banishment.

(p) Rescinded by R. 14, of 1810, S. 2. See the note to S. 7 of this Regulation.

(q) The parts in italics are rescinded by R. 14, of 1810, S. 2. The rule prescribed here is to be applied by the Nizamut Adawlut whenever that court may exercise the discretionary powers vested in it by R. 14. 1810.

XI.

Regulations respecting brahmins sitting dhurna.

XI. *First.* In conformity to the order of the Governor General in Council of the 24 of November 1792, and the publication issued in consequence at Benares on the 22d of December of the same year, and the further order of the Governor General in Council under date the 7th November 1794, the following rules are enacted for the prevention of dhurna; and for the trial and punishment of brahmins *(r)* committing this offence.

Magistrate to cause brahmins sitting dhurna to be apprehended.

Second. On a complaint in writing being presented to the magistrate against any brahmin or brahmins *(r)* for sitting dhurna, the magistrate, upon oath being made to the truth of the information, shall issue a warrant under his seal and signature for the apprehension of the person or persons thus complained against. On the prisoner or prisoners being brought before the magistrate, he shall inquire into the circumstances of the charge, and examine the prisoner or prisoners, and complainant, and also such other persons, (whose depositions are to be taken on oath), as are stated to have any knowledge of the misdemeanor alledged against him or them, and commit their respective depositions to writing; and after this inquiry, if it shall appear to the magistrate that the misdemeanor charged against the prisoner or prisoners was never committed, or that there is no ground to suspect him or them to have been concerned in the committing of it, the magistrate shall cause such brahmin or brahmins *(r)* to be forthwith discharged, recording his reasons for the information of the court of circuit, in the manner specified in section XVII, Regulation IX, 1793. On the contrary, if it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner or prisoners to have been concerned therein as principals or accomplices, the magistrate shall cause him or them to be committed to prison or held to bail, (according as in his discretion he shall judge proper.) to take his or their trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence, in the manner required by section V, Regulation IX, 1793. The trial shall take place before the court of circuit, in the manner prescribed in the said Regulation, and in Regulation XVI, 1795: and after the evidence is closed, it shall be referred to the pundit or pundits of the court, to deliver in writing the bebustah, or exposition of the law of the shaster, as to whether the facts contained in the evidence, amount to proof of the prisoner or prisoners having committed dhurna, *(s)* and in the event of such bebustah being in the affirmative, the court of circuit is to sentence the prisoner or prisoners to be expelled from the province of Benares, and to forfeit all title to the right or claim for the realizing of which the misdemeanor shall have been committed; but this sentence is not to be carried into execution until it shall have been reported by the court of circuit to the Nizmaut Adawlut, and it shall have been either wholly confirmed, or directed to be enforced under such mitigation as to the expulsion from the province, or to the forfeiture of the right or claim of the prisoner or prisoners to the property for which he or they sat dhurna, as to the said court shall seem proper. *(t)*

Process of such brahmins trial before the court of circuit.

Bebustah of the pundits to be taken.

Sentence to be passed.

Court of circuit how to proceed in case all the legal requisites to constitute dhurna, shall not be found although the offence was substantially committed.

XII. In the event of the bebustah which the pundit is required to deliver in section XI, not stating the circumstances sworn to in the evidence to amount to the offence of dhurna, and the court of circuit shall nevertheless be of opinion from the evidence before them, that the prisoner did in fact commit dhurna, according to the common construction and received meaning of that term, although the act may not

(r) Explained by R. 8, of 1799, S. 6—Not brahmins alone, but all descriptions of persons subject to the zillah and city courts, who may be guilty of the offence.

(s) Explained by R. 8, of 1799, S. 6,— A definition of dhurna.

(t) This clause is extended to the provinces of Bengal, Behar, and Orissa, by R. 5, of 1797, S. 3, and to Cuttack, and the purgunnahs of Puttespore, Kummardichour, and Bograe, under the provisions of R. 13, of 1805. S. 18.

have

have been attended with all the circumstances that may be legally required to constitute dhurna, according to the description of it in the books of the hindoos; the said court, is, under such circumstances, (as directed by the order of the Governor General in Council, under date the 7th November 1794,) to take from the prisoner or prisoners, a mochulka or engagement conditioning, that if such prisoner or prisoners shall again sit dhurna on any one, or perform any act of a nature so similar to dhurna, as shall on their being prosecuted before the court of circuit, be deemed by the judges of the said court present at the trial, or the majority of them, equivalent or tantamount to dhurna, the said prisoner or prisoners shall respectively for such second offence, suffer the full penalty of dhurna, as provided for by the order of the Governor General in Council, by being expelled from the province, and by being made to forfeit all right and title to the claim in question. (*)

How raujekoomars are to be tried for leaving or causing their female infants to perish for want of nourishment.

XIII. In the month of December 1789, the tribe of raujekoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death; it is now accordingly ordained, that from the establishment and opening of the city and zillah courts, and of the court of circuit in Benares, if any raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this Regulation, or in any other manner, the magistrate, on receiving information thereof upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such raujekoomar to be apprehended in the manner prescribed, and make the inquiry ordered, in section V, Regulation IX, 1793; when, if it shall appear to the magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison to be tried before the court of circuit, and shall at the same time take all the other precautions required in the section and regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX, 1793, and Regulation XVI, 1795, with respect to other cases of murder.

A. D. 1795. REGULATION XXII.

A REGULATION *for preserving the record of the principal rules regarding the administration of justice, and the police, in the province of Benares, passed between the year 1781, and the period of the abolition of the office of resident in 1795; and for determining what part of those rules are to be considered still in force; and for transferring the causes depending in the courts of judicature abolished on this date, to the courts established in lieu of them.*—PASSED *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaun* 1209 *Higeree.*

PREVIOUS to the cession of Benares to the Company, and until the year 1781, the administration of justice in the several purgunnahs and districts in the province of Benares; was committed, subject to the control of the zemindar, to the aumils or native collectors of the revenue, who, in the exercise of this trust, were guided chiefly by unwritten custom. In the city of Benares, certain judicial powers in

(*) The bebustah of the pundit regarding dhurna is explained in R. 8, of 1799, S. 6. This section is extended to the provinces of Bengal, Behar, and Orissa, subject to a modification, by R. 5, of 1797, S. 5, and to Cuttack, and the purgunnahs of Puttepore, Kunmardichour, and Bograe, under the provisions of R. 13, of 1805, S. 13.

civil

civil suits, were lodged in the superintendent of an office denominated the *amanut dufter*, and the police was intrusted to a cutwal. This system continued with little variation until the year 1781, when the British government first interfered in the interior administration of the country. It being necessary that all the rules which have been passed from that period, to the abolition of the residency, regarding the administration of justice, or the police, should be printed and published, for the security of the rights of those individuals whose property is held under, or has in any shape been affected by them, and that it should be declared what part of those rules are still to be considered in force; and it being requisite, that provisions shoul[illegible] e for transferring the suits depending in the courts abolished on this date, to [illegible]s which have been established in lieu of them; the following rules have been enacted. (u)

Institution of a court of justice, for the city of Benares.

II. On the 19th of October 1781, a chief magistrate was appointed for the preservation of the peace, and the administration of justice, in the city of Benares, and to enable him to execute the duties assigned to him, a dewanny [illegible], or civil court, a foujdarry adawlut, or criminal court, together with a cutwally, or office of police, were established under his superintendence. The magistrate was authorized to frame rules of practice for the courts, subject to the approbation of the British government at Calcutta, to whose authority alone he was subject. (w)

Establishment of a court of justice for the town of Ghazeepoor.

III. On the 27th of January 1788, a court of justice was established in the town of Ghazeepoor, under the superintendence of a native judge, who was vested with civil, criminal, and police jurisdiction, within the limits of the town. In civil causes instituted in this court, the law of the religion of the parties, was made the rule of decision, excepting when the parties were of different persuasions, as in suits between mahomedans and hindoos, in which cases, the court was ordered to be guided by the law of the religion of the defendant. But in all criminal cases, (excepting those which had relation to cast or marriage amongst the hindoos,) the futwahs or sentences, were directed to be delivered in conformity to the mahomedan law. The sentences in criminal trials however, were ordered not to be carried into execution, until they had been approved by the resident, excepting in cases in which the punishment did not exceed twenty stripes, or imprisonment for one week, which sentences, the judges were authorized to carry into execution by their own authority.

Rule of law to be observed therein.

Subsistence to prisoners.

IV. The judge at Ghazeepoor was instructed to furnish persons confined for criminal offences, with a daily subsistence at the expense of government; but debtors, and others detained in custody on civil actions, were ordered to be maintained by the prosecutors; and the court was directed to release them, in the event of the prosecutors not paying the required sum for their subsistence.

Police.

V. In the cutwally or police department, the fees which had been usually collected from the inhabitants, were abolished; and to obviate disturbances in the city, travellers, sepoys, and others, were directed to apply through the native magistrate for such assistance as they might require, instead of going themselves, or deputing people for that purpose, into the town.

Rules respecting the officers of the court.

VI. The judge was intrusted with the appointment and dismission of the officers subordinate to him, but with instructions to report all removals and nominations to the resident. The judge was sworn to the diligent and faithful discharge of his trust, and the officers of the court were declared liable to be made to refund three times the amount of any sums which might be proved to have been corruptly or unduly received by them.

Oath taken by the judge

(u) This Regulation, with exception of a very small part, has been re-enacted by the several Regulations passed before and after it; and may therefore be considered as generally and virtually superseded. Such parts as are not agreeable to existing Regulations, are indicated by notes at the bottom of the pages.

(w) This section, and those which follow until section 7, inclusive, are not in force.

VII.

Similar establishment of a court for the town of Juanpoor.

VII. On the 15th of March 1788, a court of judicature was established in the town of Juanpoor, under a native judge, with the same powers and jurisdiction in civil and criminal cases, and in matters of police, as had been vested in the native judge of Ghazeepoor.

Limitation of the period within which causes were to be heard.

VIII. A rule was passed, authorizing the two courts abovementioned, to entertain and decide on suits where the cause of action had arisen within the twelve years previous to the 15th of March 1788, but no civil causes of longer standing were to be received, unless the party first obtained from the resident, an order for their being admitted. *(x)*

Establishment of a court of justice at Mirzapoor.

IX. On the 31st of March 1788, a court of judicature was established in the town and mart of Mirzapoor, under the superintendence of a native judge, who was vested with the same civil, criminal, and police jurisdiction, as the judges of the courts at Ghazeepoor, and Juanpoor; and on the 11th of November following, the jurisdiction of the Mirzapoor court was declared to extend to the site and temple of Bindebashnee, a place in that vicinity, resorted to by the hindoos for religious purposes. *(y)*

Regulation for hearing appeals from the courts of Ghazeepoor, &c.

X. *First.* On the 15th of March 1788, the following rules were established in pursuance of the orders of the Governor General in Council of the 29th of February 1788, empowering the resident to hold a dewanny court of appeal at the sudder, or Benares, for trying appeals from the decrees of the courts of Mirzapoor, Ghazeepoor, and Juanpoor.

Second. 1st. " That in all causes of a civil nature, the party dissatisfied with the decree of the mofussil court, shall be at liberty to appeal to the resident at Benares by a petition of appeal, stating the causes of appeal, so that every such petition against any decree made in any of the said mofussil courts, be presented to such mofussil court, or to the resident in his capacity of judge of the court of appeal at Benares, within two months after the day on which the decree was made. Provided nevertheless, that such person may prefer his petition of appeal to the said court of appeal at Benares, after such period, if he can show just and reasonable cause to the satisfaction of that court for not having preferred the same within the said two months; and if the petition of appeal be against any decree, whereby the right of possession of any house, or land, shall be decreed to the paintiff, all proceedings shall immediately be staid, and no execution had, or possession given, under the decree appealed against, until the said appeal shall have been finally determined in the Sudder Dewanny Adawlut, if the party against whom the decree is given, enter into good and sufficient security in a sum equal to one year's value of the rents, issues, and profits of such land, or house, which shall have been decreed, to abide by and perform such order as shall be made in the court of appeal at Benares. But if such party shall neglect or refuse to enter into such security, on or before the court day next after such appeal shall be preferred, then the mofussil dewanny adawlut shall order execution to be had, and possession to be delivered, according to the decree; and in all other cases, the mofussil dewanny adawlut may either order the decree to be carried into execution, or sufficient security to be given by the party against whom the decree shall be made, in a sum equal to the sum of money, or the value of the thing decreed, for the performance of the decree; and if the mofussil dewanny adawlut shall order the decree to be executed, security shall be taken from the party in whose favor the decree is made, in a sum equal to the sum of money, or value of the thing decreed, for the due performance of such order or decree, as shall be made in the court of appeal; and in all cases, the party appealing, shall give full and sufficient security in a sum not exceeding two hundred rupees, for the payment of all such costs, and for the performance of such order, or decree, as the court of appeal may think proper to award, or make there-

(x) Excepting the latter part, this section continues in force.
(y) This section, and the following ones until S. 11, inclusive, are not in force.

upon;

upon; and in every case, where any petition of appeal shall be presented in any mofussil dewanny adawlut, against any decree given in such court, and such securities as are hereby required shall have been entered into, the judge of such mofussil dewanny adawlut, shall immediately endorse on such petition in his own hand writing, the day of the month and year in which it was presented, and sign the same with his name, and shall likewise cause to be written in the margin of the record immediately opposite to the decree of the court the word "appealed," and shall receive every petition of appeal, and transmit the same to the court of appeal at Benares; and the judge shall cause notice in writing to be given to the appellant, that he will within six days certify to the court of appeal the several proceedings had in the cause appealed, and that if the appellant shall not proceed in his appeal within fourteen days after the same shall have been received by and filed in the court of appeal, his appeal will be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the court for not proceeding therein."

Record and papers how to be certified to the court of appeal.

Third. 2d. "That the judge of such mofussil dewanny adawlut shall within six days next after the receipt of such appeal, certify under his hand and the seal of his court, to the resident as judge of the court of appeal at Benares, the record so made up, and authenticated as aforesaid, together with the original complaint, answer, replication, and rejoinder of the parties, and the original depositions, exhibits, and every original paper read in the cause, and before he shall transmit the same to the court of appeal, cause true and faithful copies of all such originals, authenticated by the signature of the sheristadar or head moonshy, to be made out and deposited, in the mofussil dewanny adawlut, in lieu of the originals, which said copies shall be, and shall be esteemed, records of the court."

In what causes an appeal is to lie from the decision of the court of appeal at Benares.

Fourth. 3d. "That where the cause of action shall not exceed one thousand rupees, the judgment of the resident, in his capacity of judge of the court of appeal at Benares is to be final; but in causes exceeding that amount, the parties are to be at liberty to appeal from the decision of the resident, to the Sudder Dewanny Adawlut at Calcutta, under the restrictions prescribed in the Regulations for the administration of justice, in the provinces of Bengal, Behar, and Orissa."

Rules for ascertaining in such cases the value of the subject litigated.

Fifth. 4th. "That for the purpose of ascertaining what causes are, and what causes are not appealable, from the court of appeal at Benares, to the Sudder Dewanny Adawlut at Calcutta, the mode of fixing what causes exceed, and are under, one thousand rupees, shall be as follows: in causes respecting land, it shall be estimated according to the annual produce or jumma, that is to say, lakheraje land at ten times the amount of its annual produce; aymah lands paying a quit rent to government, at twenty times the amount of the annual quit rent; and malguzarry land, at one year's amount of the jumma to government; and if for a house and the ground belonging to it, according to the price in the bill of sale, or if there be no bill of sale, according to the appraisement of two creditable appraisers of the place."

Process in respect to the execution of the decision of causes liable to be appealed.

Sixth. 5th. "In all causes, the mofussil judges, are, after hearing the cause and the evidence produced, and considering all the vouchers of both parties, to pass their decision thereon, according to the mussulman and hindoo laws, in the manner distinctly specified in regard to each in their sunnuds of investiture, which they are to announce in the public cutcherry to the parties, and to furnish each of them with an attested copy of the decree passed under the judge's signature, and the seal of the adawlut, which decrees, the judges are respectively to order on the next court day to be carried into execution, if either of the parties shall not then or before have applied to appeal, in which case, the judges are to act according to the regulations contained in the preceding articles."

Security to be taken from parties in civil suits.

Seventh. *6th.* "The judges are on the institution of each cause, as soon as the petition of complaint is received, to take sufficient security from the parties in the cause to carry on their suit, and to abide by the judgment of the court when passed, or to appeal therefrom, in the manner directed by the preceding regulations."

Jurisdiction of the court of appeal at Benares extended over the city court.

XI. The Governor General in Council having extended the jurisdiction of the court of appeal at Benares, to hearing appeals from decisions of the city court of Benares, established as specified in section II, the native judge was advised accordingly on the 11th of May 1788. On the 6th of August following, the Governor General in Council determined, that the court of appeal should not receive any appeals from causes decided by the judge of the city court previous to the 21st of August, 1787, the date of the then resident's first arrival at Benares.

Rule in respect to bonds of old date.

XII. On the 11th of October, 1788, a rule was passed directing the courts at Ghazeepoor, Jaunpoor, and Mirzapoor, to entertain and try all civil suits founded on bonds of whatever date, in part of which any payments had been made within the period of the twelve years fixed for rendering causes cognizable.

Mahomedan and hindoo laws to be conformed to in the city court of Benares.

XIII. On the 20th of October, 1788, the court of appeal at Benares, directed the same use and application of the mahomedan and hindoo laws respectively, to be observed in the city court of Benares, as had been prescribed to the courts of Mirzapoor, Ghazeepoor, and Jaunpoor.

Establishments provided for the two country courts of moolky dewanny and moolky foujdarry adawluts.

XIV. Some provision was thus made for the administration of justice in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor; but the jurisdiction of these courts being confined to the limits of the city and towns in which they were respectively established, and not extending into the interior parts of the zemindarry, the greater proportion of the inhabitants were still left without any adequate protection, or means of procuring redress. For although some steps had been taken in 1786, towards the institution of a court of justice for the country, (hence called the moolky or country adawlut,) with the limitted authority of hearing and trying such causes as the resident might refer for that purpose, its powers and influence were so circumscribed, as to be productive of little benefit, until the month of October 1787, when this tribunal was formed into two distinct courts, one, denominated the moolky dewanny adawlut, or civil country court, and the other, the moolky foujdarry adawlut, or criminal country court. A separate judge was nominated to each of these courts, and under the subsequent instructions of the Governor General in Council of the 29th of February, and 3d of October 1788, adequate establishments were assigned to these two moolky adawluts on the 26th of November following. The moolky dewanny adawlut was vested with powers to hear, try, and decide, all civil suits arising in the four circars composing the zemindarry of Benares, with the exception of the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor. The moolky foujdarry adawlut was vested with a co-extensive criminal jurisdiction; and both of these courts were placed so far under the superintendence of the resident, that appeals lay to him from the former, and the futwahs or sentences of the latter were rendered subject to his revision. The same application of the mahomedan and hindoo laws was directed to be observed in these courts, as in the other established courts abovementioned. (z)

Extent of the jurisdiction of these courts.

Rules passed on the 18th January 1789.

XV. *First.* On the 18th of January 1789, the rules contained in the following clauses were prescribed for the guidance of the moolky dewanny adawlut.

Term limitted for causes being actionable in the moolky dewanny adawlut.

Second. The judge was authorized to take cognizance of such civil actions coming within the cognizance of the court, as had originated within the twelve years previous to the 26th of November 1788, but he was ordered not to hear causes of older date, unless they were referred to him for that purpose.

(z) This section is not in force.

Third.

Third. In consequence of the Regulation passed by government on the 11th of April 1788, the court was prohibited from taking cognizance of claims to lands and zemindarry rights, where the party had been dispossessed antecedent to the 1st of July 1775, answering to the Fusly year 1182.

In respect to prosecutions for lands and zemindarry rights.

Fourth. Causes relating to the collection of the revenue, were declared not cognizable in this court, unless referred to it. (*a*)

Causes relative to the revenue.

Fifth. The court was prohibited from administering any of the oaths described in the books of the hindoos, excepting the oath on the water of the ganges.

Form of oath to be used in this court.

Sixth. Orders for possession of land awarded by decrees of this court, were directed to be issued from the office of the resident, on the parties exhibiting the decrees.

How decrees for landed property were to be executed.

Seventh. The process of this court for summoning witnesses, and parties, was directed to be served through the aumils and jaghiredars, and any neglect on the part of the said officers and persons in executing the process, was punishable by a fine to be imposed by the resident.

Process of this court in regard to summoning parties and witnesses.

Eighth. In cases in which the party cast might plead inability to pay the amount adjudged against him, the judge was instructed to propose the liquidation of it by a kistbundy to be agreed to by the parties, taking security for the kists or instalments being duly discharged. In the event of failure in the payment of the instalments, and of the party cast not appealing to the court of appeal, he was to be detained in jail for three months, at the expiration of which period, the judge was to receive from the plaintiff, and to report to the resident, the means possessed by the defendant for the liquidation of the claim adjudged against him, and to wait the resident's instructions.

Rule for the enforcement of decrees.

Ninth. The judge was authorized to punish contempts committed in open court, by a fine not exceeding ten rupees, and by committing the party to custody until the fine was paid; and in case of the party guilty of the contempt, being unable to pay the fine from indigence, the judge was allowed to punish him by the infliction of any number of stripes, not exceeding fifteen. On the 2d April 1794, the court was authorized to dismiss the claim of the party for such contempts, but without depriving him of his right to have recourse for a further hearing to the court of appeal.

Punishment of contempts.

XVI. To abolish the practice which had more or less obtained in different parts of the zemindarry, of creditors seizing on the persons of their debtors, and detaining them in confinement until their claims were satisfied, a proclamation prohibiting this abuse was issued by order of the Governor General in Council on the 13th of July 1789, in which it was declared, that any person convicted in a court of justice of having confined another on account of debt, should forfeit all claim to such debt, or be subject to the payment of such a sum of money as damages to the person confined, as the court might think proper to award, upon a consideration of the circumstances of the case. This rule was notified to the judges of the several courts for their information and guidance.

Penalty for creditors seizing on and confining the persons of their debtors.

XVII. On a consideration of the nature of mortgage deeds, on the 28th of August 1789, it was made a general rule for the guidance of all the courts, that suits preferred relative to writings of this description by any parties interested therein, should not be restricted to any limitation in point of time, but be allowed to go to issue on their merits, with the exception specified in clause eighth, section XXXV.

Rule in respect to suits founded on deeds of mortgage.

XVIII. On the 18th of September 1789, the judges of the moolky dewanny, and moolky foujdarry adawluts, were sworn into their offices, their oath of office being to

Oaths of the judges of the moolky adawluts.

(*a*) The remainder of this section, including this clause, is not in force.

the

the same purport as that taken by the judges of the towns of Ghazeepoor, Juanpoor, and Mirzapoor. *(b)*

Judges of the several courts, to receive and try all complaints and suits preferred agreeably to the Regulations.

XIX. On the 21st of November 1789, the judges of the several courts, were directed to receive, try, and decide, all suits according to the Regulations, without waiting for, or making any plea of delay, for their not being referred for that purpose by the resident, as no such references would be made in future, excepting in cases of complaint for undue delay or denial of justice, or other apparent irregularity in the courts.

Pottahs not to be considered as being the proprietary right in lands.

XX. On the 12th of December 1789, on the forming of the general settlement of the public revenue to be paid from the lands throughout the zemindarry, the judge of the moolky dewanny adawlut was informed, that the pottahs then issued not being meant to fix the proprietary right in lands, but only to ascertain the revenue payable from each estate, he was therefore not to consider those deeds of settlement, as any bar to the admission of suits preferred in conformity to the Regulations, respecting the proprietary right in such estates. To this effect, engagements were taken from the parties with whom the settlement was made, as specified in section XVI, Regulation II, 1795.

Rule for the moolky dewanny court in cases in which defendants could not be found, or refused to attend.

XXI. On the 2d of January 1790, the following rule was passed for the guidance of the moolky dewanny adawlut. That where a defendant shall have absconded, and is not after diligent search to be found, the judge shall cause a written notice to be stuck up in the court room, and also send a copy thereof, to the aumil of the district in which such defendant lives, to be posted on the door of the house in which such defendant may reside, specifying that if he shall not appear to defend the suit on or before the expiration of one month from the date, and issuing of such publication, the cause shall be heard and decided on the evidence which may be adduced on behalf of the plaintiff. On the 15th June 1792, a similar rule was extended to persons refusing to attend the court, after a summons had been duly served on them. *(c)*

Rules and restrictions for the guidance of the moolky dewanny adawlut, in respect to zemindarry claims.

XXII. *First.* To prevent the evils and inconveniencies likely to arise from the great prevalence of the spirit of litigation between parties claiming to be restored to zemindarry rights, the following rules were passed on the 21st of March, 1790, for the guidance of the judge of the moolky dewanny adawlut.

Zemindars when defendants may attend in person or by vakeel.

Second. 1st. "No zemindar shall be required to attend in person to defend any suit which may be instituted against him, but the summons shall express that he may appear for that purpose in person, or by his authorized vakeel."

Mochulkah to be executed by claimants to zemindarry rights.

Third. 2d. "Before any process is issued for summoning a zemindar, or his vakeel, in any suit relative to the proprietary right in his zemindarry, a mochulkah is to be taken from the claimant specifying in what year since 1182 Fusly, he had possession, either as a partner with, or in exclusion of, the party now in possession. The mochulkah is to express in the body of it, that if the period of the plaintiffs possession therein specified prove untrue, his suit for that cause alone, shall be dismissed, and until this mochulkah be entered into, no summons or process shall issue against the defendant."

Security for damages to be entered into by claimants to zemindarries.

Fourth. 3d. "After executing such mochulkah, the plaintiffs are further to enter into such security as the court shall deem sufficient, to pay, in case they ultimately fail in their suits, such damages to the zemindar who is the defendant, as the prosecution of their unjust complaint shall have occasioned to him; the amount of which damages is to be adjudged by the court on the decision of every such suit, and recovered in like manner as all other decrees for sums of money are directed to be carried into execution.

(b) This and the next section are not in force.
(c) This section, and those which follow until S. 24, inclusive, are not in force.

Fifth.

Fifth. 4th. "In case of the plaintiffs mentioned in the two preceding articles, refusing to enter into the required mochulka, and security, their claims are to be dismissed, and the process in all such zemindarry causes now depending in the court, is to be suspended until the security above required be entered into, after which they are to be proceeded with, or, if not entered into, such causes are to be likewise dismissed. The parties however in all such causes as may be so dismissed, shall have the option of appealing to the court of appeal."

Defaults for which claims to zemindarries are to be dismissed.

XXIII. On the 10th of July, and 3d of September 1790, it was made a rule, in addition to the rule contained in clause sixth, section XV, that the judge of the moolky dewanny adawlut should advise the resident of all decrees passed by him adjudging the possession of any zemindarry, or other landed estate, whether paying revenue, or held exempt from the payment of revenue.

Decrees relative to zemindarries to be reported to the resident.

XXIV. Under the authority of an order passed by the Governor General in Council on the 1st of July 1789, the resident having authorized the judge of the city court of Benares, to receive from the 22d of September following, a russoom or commission of one per cent on the amount of claims preferred in civil suits instituted in that court, the following rules for levying it, were adopted on the 5th of August 1790. Where the cause or claim was for ready money, the prescribed russoom was directed to be levied on the amount; but on claims for malguzarry land, the russoom was ordered to be calculated on the annual revenue payable to government; and on claims for lakheraje lands, on ten times the amount of the annual produce; and on claims for aymah lands paying a quit rent to government, on twenty times the amount of the annual quit rent; and on claims for houses and gardens, on the price specified in the bill of sale, or, where there was no bill of sale, on the current value of the property to be ascertained by inquiry, or from the opinion of two creditable builders, who were to report the value of it to the adawlut on oath. Such russoom was directed to be paid in deposit by the plaintiff, at the time of filing his bill of plaint, but in the event of the decree being given against the defendant, and the whole of the money or property demanded by the complainant, being decreed to the plaintiff, a sum equal to the deposit was to be awarded to the plaintiff, and added to the decree given in his favor; but if part only of the plaintiffs claim was decreed to him, a sum bearing the same proportion to the money or value of the thing decreed, as the deposit did to the demand laid in the complaint, was ordered to be adjudged and added to the decree, and recovered from the defendant, in the same manner as any other money, or the value of property, which might be awarded against him.

Rules for levying a russoom or commission on causes tried in the city court.

XXV. On the 30th of August 1790, it was ordered that appeals should not lie from decrees founded on the awards of arbitrators, unless the party desirous to appeal, should establish by the evidence of two credible witnesses, corruption, or gross partiality, against the arbitrators.

Appeals not to lie from the awards of arbitrators. Exception.

XXVI. On a query submitted by the judge of the moolky dewanny adawlut, respecting the term of intermediate possession subsequent to the period of limitation specified in clause third, section XV, which should be construed as entitling a person to prosecute for permanent reinstatement, the resident, on the 4th of September 1790, informed him, that possession during one year since such period, and the prosecuting party having closed the collections, were necessary for that purpose, and that an interrupted tenure of one, two, or four, or more months, was not to be considered sufficient. *(d)*

Length of intermediate possession required to found a decision on for zemindarry rights.

XXVII. On the 11th of September, 1790, the several courts (excepting the court for the city of Benares,) were instructed by the resident to take hazerzaminy, or security

Further rules as to securities in suits.

(d) This section is not in force.

curity for the appearance of all plaintiffs in civil suits; and they were further informed, that (besides the security required in zemindarry suits by section XXII, (e) the sureties for the defendants, were to be bound not only for the parties being forthcoming, but that such defendants, after the courts judgment had passed, should either abide by, and perform the requisitions thereof, or appeal from it according to the Regulations; in default of which, such surety or sureties, were to stand engaged to make good whatever part of the plaintiffs claim shoud have been so established. This rule was extended to the court of the city of Benares.

Vakeels of aumils, not to practise as court vakeels.

XXVIII. On the 19th of September 1790, the vakeels of aumils were prohibited from practising as vakeels in the moolky dewanny adawlut. (f)

Canoongoes to hold the temporary management of lands sequestered by the adawlut.

XXIX. To save the expense of management to parties prosecuting for zemindarries, the moolky dewanny adawlut was instructed on the 21st of October 1790, to make it a general rule to appoint the canoongoes to hold the charge of such revenue lands as might, under the process of that court, be temporarily attached pending the suit, in consequence of the nature of the tenure of the litigating parties.

Prohibition of the use of certain oaths in the practice of the courts.

XXX. The judge of the moolky dewanny adawlut having requested to be informed whether in the practice of the court, he might admit the oaths in use amongst the hindoos, which rest the proof of the fact to be determined by the contingency of any evil or misfortune befalling, within a certain number of days, the family, connections, or property, of the party swearing, he was acquainted on the 1st February 1791, that such oaths were not to be admitted.

Restrictive rule in respect to zemindarry claims in Kuswar.

XXXI. On the 14th of February 1791, the moolky dewanny adawlut was prohibited from taking cognizance of claims to zemindarries in the rajah's family purgunnah of Kuswar, unless such claims were expressly referred to it for that purpose.

Application of the rules in respect to zemindarry rights against claimants prosecuting for larger interests therein, than they held previous to the period of limitation.

XXXII. In the case of a zemindarry, the property of mahomedans, in which there were several partners, but which was held and managed by one of them as the principal, who made his partners some allowance out of the produce, but not in proportion to their respective shares, the judge of the moolky dewanny adawlut, having on the 3d April 1791, desired to know whether the claim of the partners to be put in possession of their full shares, might be admitted, he was answered in the negative, and that such partners could not be entitled to any thing more than they had enjoyed within the period limitted in clause third, section XV, for the general restoration of landholders.

Period of limitation in regard to disputed boundaries.

XXXIII. The restoration of the village zemindars, at the conclusion of the permanent settlement in the year 1197, corresponding with the years 1790-91, having given rise to many disputes between them, concerning the boundaries of their several estates, a proclamation was issued on the 7th of April 1791, declaring, that all lands and ground were to remain as they stood annexed and possessed up to the year 1182 Fusly, (ending in September 1775,) and that no claims were to be admitted contrary to this principle; with the exception of such cases, as having originated antecedently to the year in question, were then still in a course of inquiry either by arbitration, or otherwise, under the authority of the existing native government, and still remained unadjusted; in such cases, it was determined that the resident on the application of the parties might refer the hearing of the cause to the adawlut, which was thereon to take cognizance of the suit, and to decide it according to justice, without reference to the period of limitation.

Exception.

Rule made general for levying russoom or commission on causes.

XXXIV. On the 18th May 1791, the rules in section XXIV, for levying russoom or commission on civil suits, were extended to all the other courts within the zemindarry, including the court of appeal. (g)

(e) The rules in this section are not in force.
(f) This and the next section are not in force.
(g) This section is not in force.

XXXV.

XXXV. *First.* In continuation of the provisions in sections XV, XXVI, and XXXII, for ascertaining the right of dispossessed zemindars to prosecute for their reinstatement, the further rules in the following clauses were passed on the 5th of June 1791, for the guidance of the moolky dewanny adawlut. *(h)*

Further rules for the guidance of the moolky dewanny adawlut, in respect to suits for the recovery of zemindarry rights.

Second. The possession within the period limitted in clause third, section XV, of any one or more of the putteedars, or sharers, in any one more puttees or shares, in a talooka, village, or zemindarry, either as zemindar or farmer, is to entitle to restoration all the other persons having a right to claim, as putteedars of that talooka, village, or zemindarry, whether such puttees were distinct or common.

Putteedars entitled to claim reinstatement on the foundation of any of their brethren having held possession within the limitted period; either as landholders, or farmers,

Third. Possession within the period limitted in section XV, is to entitle to restoration the partners of any putteedar, or partner, having held such possession although the putteedar in whose person the right shall thus have been obtained, may not think fit to join the other putteedars in suing for it.

And whether or not, the putteedar in whose right the claim is preferred, shall think fit to join in it.

Fourth. In the case of a malik or proprietor of land being in possession as a farmer, in partnership with another, who claims no right of property, but who holds merely as a farmer, the renting partner who is also malik or proprietor, on indemnifying his farming partner for all losses he may in the judgment of the court have sustained by the tenure, shall be competent to remain singly in possession, as proprietor to the exclusion of the farming partner.

Circumstance under which maliks or proprietors, may exclude farmers who are joint tenants with them.

Fifth. Any putteedar or parther regaining possession, is to entitle all the other putteedars to re-enter likewise, although these last may not have held possession within the period limitted under section XV.

Any putteedar regaining possession to entitle all the others to reinstatement, how long soever dispossessed,

Sixth. The heirs of deceased zemindars, who shall have had possession within the period limitted under section XV, may sue for, and are entitled to restoration.

And whether the party in virtue of whose right from possession the claim is made, be alive or dead.

Seventh. No zemindar shall be entitled in consequence of his restoration to any village or estate, to recover by suit in the adawlut, lands alleged by him to belong to such village, but which shall be known to have been separated therefrom, and annexed to another estate, previous to the period limitted for the general restoration of landholders in section XV.

Separations and annexations of land prior to 1182 Fusly, not alterable.

Eighth. Claims to land founded on the redemption of the mortgage thereof, but of which, neither of the parties concerned in the transaction of such mortgage, shall have been in possession within the period limitted for the general restoration of the landholders under section XV, are to be rejected; but such parties who shall thus have redeemed their own or their forefathers zemindarries, will be nevertheless entitled to restoration under section III, Regulation I, 1795, on the existing lease being avoided by the death, resignation, or removal of the farmer.

Claims to reinstatement founded on deeds of mortgage are to be rejected; residuary claim vesting in respect to such redeemed mortgages.

Ninth. In the event of a talookdar, previous to the period limitted for the general restoration of landholders in section XV, having taken in farm any part of, or the entire lands of another proprietor, who shall have since continued to pay the revenue of such lands to the said talookdar, or through such talookdar to government, the landholder so situated, shall not be entitled to be rendered independent of such talookdar, unless he shall have paid his revenue separately from such superior, during one complete year, within the period limitted in section XV.

Rules for ascertaining the right to independence or separation, in the case of village zemindars paying their revenue through a talookdar.

Tenth. In the event of one of the putteedars, within the period limitted for the general restoration of landholders, in section XV, having contracted as a principal for the revenue with government, and made to his putteedars or sharers some allowance in consideration of their right in the estate, this situation is not to entitle them to prosecute for personal possession or management of any part of such estate, or other, or superior rights, to those in which they had acquiesced.

Putteedars acquiescing in inferior interests within the period fixed for reinstatement to be bound thereby.

(h) This section is in force, though not sections 15 and 26 therein mentioned.

Eleventh.

Possession by agency to be considered the same in respect to the right to reinstatement, as direct occupancy.

Eleventh. If a landholder prosecuting for restoration, shall establish to the satisfaction of the court, that he has bonâ fide held possession although not in his own name but by another, acting on his part as farmer or [illegible] of the lands sued for, he shall thereby become entitled to reinstatement, in the same manner, as if the tenure had been in his own name, unless the party thus suing shall be one of the dispossessed aymahdars, or one of their heirs, to the reinstatement of whom an exception is made in Regulation II, 1795.

Exception as to certain aymahdars.

What shall be deemed as a saving claim in respect to houses,

Twelfth. In cases of claims to the property in houses, if the claimant shall prove that at any time within the period limitted for rendering such cases cognizable under clause second, section XV, he in any wise contested the right with the party in possession, it is to be considered sufficient to render his suit cognizable in the adawlut.

And in respect to claims of debt.

Thirteenth. The recovery within the period referred to, in the last clause, of any part of a loan made previous thereto, is in like manner to entitle the creditor to prosecute for the residue of the debt, as in the cases specified in section XII.

The receipt of any consideration in money or malik-kanah within the period of limitation prescribed in section XV, not to entitle a claimant to reinstatement in the land.

Fourteenth. The allegation of any dispossessed landholder, of his having received from the party in possession of the lands claimed by him, some consideration in money, or ground, as malik-kanah, is not to be held sufficient to entitle such party or parties to prosecute for reinstatement, if he or they shall not have had possession, and paid the revenue for one complete year, within the period limitted for the general restoration of landholders in section XV.

Contingencies provided for anterior to, but occurring after, the period of limitation for reinstatement; to be construed in favor of the claim.

Fifteenth. In the event of a widow, previous to the term limitted under section XV, having been left by the heirs of her late husband, in the enjoyment of his estate for the period of her own life, the circumstance of such arrangement having thus taken place antecedently to the period for rendering causes actionable, is not to be a bar to the husband's relations prosecuting those of the widow, to recover from them her husband's estate, as the cause of action was to be considered to have arisen from the date of such widow's demise.

Additional rule in respect to the process of causes in appeal

XXXVI. *First.* On the 2d of July 1791, the following further clauses were added to the rules specified in sections X and XI, for appealing from the decisions of the several courts. *(i)*

Second. Appeals are to be dismissed, if the russoom and the security required from the parties presenting them, be not delivered in within ten days after the presenting the petition of appeal.

Third. Appellants neglecting to proceed with their appeals during fourteen days, or departing from the court without leave, shall be liable to have their appeals dismissed, as specified in clause second, section X.

Rule in respect to cases founded on compulsive or irregular bills of sale passed since the Company's acquisition of the zemindarry in 1182 Fusly.

XXXVII. In a prosecution instituted on behalf of the parties interested in a bill of sale for land conveyed to the party in possession, under circumstances from which the prosecutors argued the invalidity of such deed of conveyance, the judge of the moolky dewanny adawlut passed a decree dismissing the suit, under the rules in clause third, section XV; it was signified to him by the resident on the 17th of July, 1791, that the rules in question, as far as regarded landed property, having been enacted to regulate the admission or rejection of claims to zemindarry rights, that had been resumed by the preceding native government, and not having in view the claims of landholders, or of individuals against each other, on pleas such as the present, of compulsive bills of sale, he was therefore desired to resume the hearing of this cause, and to try it on its merits, and of course all other causes, in a similar predicament.

Causes dismissed to be reported.

XXXVIII. To enable the resident to ascertain whether there were any suits the circumstances of which on principles of equity might entitle the parties to have them

(i) This section is not in force.

referred

referred for trial under the discretionary power vested in the resident by clause second, section XV, the judge of the moolky dewanny adawlut was directed on the 3d and 15th of August 1791, to make a report to the resident of all causes then about to be dismissed under the rule of limitation, and to direct the parties themselves to shew cause to the resident why their suits should not be dismissed that he might pass such order thereon as might seem to him proper.

General rule for plaintiffs to enter into securities to pay such costs and damages as might be awarded.

XXXIX. The resident considering the hardship under which defendants in causes labored, from there being hitherto no settled mode, (except in zemindarry causes,) of indemnifying them for the costs and charges incurred in the defence of unjust claims preferred against them, on the 14th of October 1791, a circular order was issued to all the adawluts, to the same purport as the provision made for the guidance of the moolky dewanny adawlut in respect to zemindarry causes, under clause fourth, section XXII. And on the 30th of October 1791, it was ordered, that until such security be given, the defendant is not to be summoned, nor the plaintiff's petition to be proceeded on, except in cases in which the judge may think it probable that the plaintiff prefers a just claim, but from indigence, is unable to deliver in the required security. (j)

Golah oath allowed of under certain restrictions, in respect to boundary disputes.

XL. On the 14th October 1791, the Governor General in Council was pleased to authorize the resident, to admit of the mode of trial by the golah oath, for the adjustment of disputed boundaries, in cases in which the parties, without having recourse to the regular process of the adawluts, should voluntarily prefer this mode of decision.

Evidence of hindoos to be valid in regard to mahomedans.

XLI. On a question submitted by the judge of the moolky dewanny adawlut, stating that according to the mooselmaun law, the evidence of hindoos could not be legally received in causes relative to mahomedans, and requesting instructions how to proceed; in consequence, the resident acquainted him on the 22d of March 1792, that in consideration of the state of society in this country, it was necessary to receive as valid, the evidence of hindoos in the causes of mahomedans.

Judge not to correspond with suitors.

XLII. On the 18th of March 1794, in consequence of orders to that effect, passed by the Governor General in Council on the 7th of the same month, the several courts were prohibited from corresponding with parties in causes, who were required to submit their representations to the court, either in person or by vakeel; on which the judges respectively were directed to pass such orders as they might think fit, leaving it to the suitors to have recourse to the court of appeal, if they were dissatisfied with the orders so passed.

Engagements to be taken from Europeans prosecuting natives.

XLIII. On the same date, the courts were advised of the orders passed by government on the 7th of March 1792, and furnished with the form of the security bond to be entered into by all Europeans, who might institute any suit against a native or natives in the courts in question, according to the prescribed form in Regulation XXVIII, 1793, extended to the province of Benares by Regulation XXIV, 1795.

Mode of redeeming mortgaged land.

XLIV. On the 26th of March 1794, it was made a general rule, that all persons desirous of redeeming mortgaged land, should apply for that purpose to the moolky dewanny adawlut or to the court having the local jurisdiction, that the accounts of the mortgage being adjusted and any balance due discharged, the mortgage might be declared redeemed, and that on notice thereof from the proper court, the resident might cause possession of the property to be delivered to the party thereby become entitled to it.

Parties not to sue in the

XLV. On the 1st of April 1794, a rule was made to prevent the cause of any officer or servant of the several courts, from being tried in the court to which he might be

(j) This and the next section are not in force.

attached,

courts in which they are judges or officers.

attached. Such causes were directed to be referred by the court, after the sanction of the court of appeal had been obtained for that purpose, to be heard in one of the other courts. This rule was also occasionally observed in instances where the parties applied to have their causes transferred from the court of one jurisdiction to that of another, under the plea that they expected to obtain a more speedy, or just decision of their suits. (k)

Time limited in respect to the sale of houses under decrees of the adawluts.

XLVI. On the 4th of August 1794, it was made a general rule for the guidance of the courts. that the notice to be given of the sale of houses in satisfaction of decrees, should not be less than fifteen days, and that this notice should be given by public advertisement, so as to allow sufficient time for parties who might have claims on such property, to be apprized of the intended sale, and to prefer any objection they might have to offer to its taking place.

Rule in respect to the redemption of lands sold to aumils for balances.

XLVII. On the 4th of January 1795, the rule established under clause third, section XV, Regulation II. 1795, relative to such bills of sale as might have been made to aumils for balances of the public revenue, up to the 19th of September 1794, (when such conveyances were altogether prohibited,) was communicated for the information and guidance of the moolky dewanny adawlut.

Further general rules for limiting the period within which causes are cognizable by the several courts.

XLVIII. On the 5th and 8th of September 1794, in pursuance of orders from the Governor General in Council under date the 15th of August preceding, the city court of Benares was restricted from entertaining suits in which the cause of action was of older date than twelve years; and with a view to reduce to one uniform rule the several orders relating to this period of limitation, in respect to the other courts, as already stated under section VIII and XV, a circular order and notification was written on the 13th of January 1795, to the moolky dewanny adawlut, and to the dewanny courts of Mirzapoor, Juanpoor, and Ghazeepoor, prohibiting them from hearing claims of longer standing than twelve years, with the exceptions in regard to mortgages, and bonds, already specified under sections XII and XVII, and to zemindarry rights and claims to lands as separately limited in the preceding sections of this Regulation: but at the same time providing, that when the complainant can show by clear and positive proof, that he had made demand of the sum or matter in question, and that the defendant had admitted the demand, or promised to pay the money, or that he directly preferred his claim for the matter in dispute, to the hakim-a-wukht, or magistrate for the time being, within that period, and without any default on his part, that the suit had not been proceeded with; or show that either from minority, or other good and sufficient cause, he had been precluded from the means of procuring redress. All causes under these circumstances were to be heard, inclusive of all such claims as should be referred for that purpose by the court of appeal, and instructions to the same effect were issued to the city court.

Cases in which the requisition of securities in civil suits, is to be dispensed with.

XLIX. On the 13th of January 1795, the rules in section X, Regulation VIII, 1795, for dispensing with security in civil suits in the case therein mentioned, were issued to the city court, and to the moolky dewanny adawlut.

Rule relative to the lands formerly purchased by Abdoollah. in the district of Ghazeepoor.

L. On the 19th of February 1795, the judge of the moolky dewanny adawlut represented that Shaik Abdoollah, the father of Ullee Azeem Khan, having heretofore purchased several villages from the ancient zemindars in the sircar of Ghazeepoor, and the heirs of the latter, having nevertheless obtained pottahs for such lands, at the conclusion of the permanent settlement in 1197 Fusly; such pottah holders, or some of them, in bar to prosecutions being instituted against them by parties claiming to be their partners alleged that in consequence of their ancestors having sold the lands in question as aforesaid, they could be considered only as farmers, although the pottahs they had obtained were for zemindarry tenures. The judge de-

(k) This and the next section are not in force.

siring

siring instructions, on this point, he was informed that under the orders of government of the 11th of April 1788, Shaik Abdoollah's purchases had been deemed void; and that in consideration thereof, his representative, the above named Ullee Azeem Khan, now received a pension from government, as reported by the resident in his letter to the Governor General in Council of the 15th of May 1788, and therefore that he was to admit the said suits, and to hear, try, and decide them, according to the letter and import of the zemindarry pottahs, held by the present incumbents.

Further rules as to issuing decrees;

LI. *First.* The city court of Benares was instructed to deliver or tender to all parties in civil suits, authentic copies of the decrees which might be passed in their causes, within eight days after the same might be passed, endorsing thereon the refusal of such of the parties as might decline to accept them, and this rule, as far as regarded the delivery of copies of the decrees, was subsequently extended to all causes previously decided. Similar instructions were given to all the other civil courts in the province. (*l*)

Receiving appeals,

Second. On the 7th February 1795, it was made a rule, that no petition of appeal should be admitted, unless the party had previously applied for and obtained a copy of the decree desired to be appealed from.

And as to appellants filing their objections.

Third. It was likewise made a rule, that appellants should deliver in their objections to the decree of the lower court, within a fortnight after the admission of the appeal, or their appeals should be dismissed, in conformity to the spirit of the original rule to that effect in clause second, section X, and of the further order in clause second, section XXXVI.

Instances of civil causes referred to the moolky foujdarry adawlut.

LII. Under the rule contained in section XLV. the resident occasionally referred civil causes to be tried by the same process as in the civil courts, to the moolky foujdarry adawlut. This court however, had jurisdiction only in such suits of this description, as were expressly referred to it by the resident.

Rules for the guidance of the courts of justice, in respect to the opium contract, and the rights of the contractor.

LIII. The rules in this section, and the eight following sections, relative to the opium contract, were issued for the information and guidance of the courts of justice. (*m*)

Penalty provided against the illicit provision of opium.

LIV. On the 21st of March 1790, the advertisement published by the Governor General in Council, under date the 19th of February preceding, was transmitted for the information and guidance of the courts of adawlut, in respect to that clause of it, which prescribes the levying from natives, a fine of three hundred and seventy-five rupees, (half to be paid to the informer, and the other moiety to government,) for every maund of opium which they might be proved to have procured or provided, contrary to the regulations for limitting the provision of that article to the contractor.

Summary of the conditions of the existing contract.

LV. *First.* On the 5th of May 1790, the following summary of certain of the clauses of the then existing contract, and the regulations for the provision of opium within the zemindarry, was transmitted to the several courts for their information and guidance.

Second. 1*st.* The contractor is to pay to the ryots or cultivators for their opium, at the rate of two Benares sicca rupees and eight annas, per seer, each seer to weigh ninety-six Benares sicca rupees, and to make them advances in the former established mode, and to deduct one chittack per seer, (equal to two seers and a half per maund,) in consideration of the moistness of the crude opium when delivered into the godown.

Third 2*d.* When the poppy has attained the proper growth, the quantity of opium produced, is to be ascertained on the spot by the officer of the contractor, in concert

(*l*) This and the next section are not in force.

(*m*) This and the following sections, to S. 62 inclusive, are not in force. See R. 13, of 1816, which contains all the existing rules for the provision, or manufacture and sale of opium.

with two or three creditable cultivators, who are to assist in forming the estimate. The cultivator is to execute an engagement to deliver the estimated quantity, together with any surplus which may be produced.

Fourth. *3d.* The opium is to be fairly weighed by weights, bearing the mark of the resident, in the mode termed dherm dundy, so as to preclude the agents of the contractors from attempting to exact undue weight.

Fifth. *4th.* In cases in which the short deliveries of the ryot shall appear to have proceeded from calamity of season, or other accident, and not from any neglect or fault on his part, the courts shall only adjudge him to restore a proportionate part of the advances made to him, with interest at the rate of eight per cent per annum; if it shall be proved that the short deliveries have been owing to the negligence, or other fault of the cultivator, he shall restore such proportional advance with interest, at the rate of twelve per cent per annum; if it be proved that short deliveries have originated in the cultivators having embezzled or illegally disposed of the opium, he shall be subject to the payment of a fine of four sicca rupees per seer, and the opium shall be seized and confiscated; or if it cannot be found, the court shall award a fine of ten sicca rupees per seer.

Sixth *5th.* The above price of the commodity is to be paid to the ryots in full, without any deduction being made by the officers of the contractor, for tullub-hanah, batta, aret, interest, or on any other plea or pretext whatsoever, under the penalty of the contractors being subject, on proof of any such deductions or exactions, to pay a [illegible] three times the amount of them.

Further rules for the guidance of the courts on this subject.

LVI. *First.* On the 18th of May 1790, the judge of the moolky dewanny adawlut, having submitted certain queries respecting the opium contract, the resident furnished him with the following instructions, as appearing to him consistent with the spirit of the conditions of the contract.

Penalty for ryots disposing of the opium otherwise than to the contractor,

Second. In the event of a ryot selling the crude opium to any person excepting the contractor, such ryot, although the opium thus sold should be above or exclusive of the koot, or quantity estimated to be deliverable, under clause third, section LV, is to incur a penalty of four rupees per seer in addition to the confiscation of the opium, or, if the opium cannot be seized, ten rupees per seer.

Or the produce of former years.

Third. For opium the produce of former years, sold otherwise than to the contractor, a fine of three hundred and seventy five rupees per maund is to be levied from the seller, according to the proclamation published by the Governor General in Council, on the 19th of February 1790.

Penalty against purchasers.

Fourth. Persons buying any quantity of opium from the growers, or otherwise than from the contractors, are to be liable to the payment of a fine of three hundred and seventy five rupees per maund.

Fifth. These instructions were approved by the Governor General in Council on the 28th of May 1790, and were accordingly circulated for the guidance of the other courts.

Further order directing that in addition to the penalty, the confiscation shall also take place of the opium of former years produce attempted to be illicitly sold.

LVII. On the 24th of May 1790, on a further query from the judge of the moolky dewanny adawlut, the resident informed him that the penalty for dealing in opium the produce of former years, as specified in clause third, section LVI, was to extend only to the fine therein specified, and not to the confication of the opium. But on this answer being submitted to the Governor General in Council, he determined on the 2d of June 1790, that the opium therein described should be confiscated, in addition to the exaction of the penalty, and the several courts were advised accordingly.

LVIII.

LVIII. *First.* On the 17th of June 1790, the resident transmitted the following answers to certain questions submitted to him by the judge of the adawlut at Ghazeepoor.

Consequences and penalty of bringing Behar or Oude opium to Benares.

Second. That in the event of opium, the produce of the dominions of the Nawaub Vizier, being seized in the zemindarry of Benares, and the owner pleading ignorance of the regulations existing against its importation, he shall be permitted to retain it, on entering into good security, that he will not dispose of it in the zemindarry, excepting to the contractor; but that, if opium the produce of Behar should be so seized, it was to be confiscated, and the fine thereon levied according to the proclamation issued by the Governor General in Council on the 19th of February 1790.

LIX. On the 17th of September 1791, a rule was passed by the resident, allowing the opium contractor to prosecute suits relative to his contract, without the payment of the russoom or commission on the amount of his claims. This rule was confirmed by the Governor General in Council on the 25th of April 1792.

Opium contractor to carry on suits relative to his contract, without incurring the expense of russoom or commission.

LX. *First.* In December 1790, the judge of the moolky dewanny adawlut reported to the resident the circumstances under which certain prosecutions had been brought by the opium contractor against his servants, for alleged frauds and embezzlements; and desired that rules might be prescribed for his guidance, as those already issued did not appear to him to apply to the cases under litigation, which were as follow: 1st. For injuring the contractor in raising, or allowing to be grown, other articles, such as gool masuffer, in the poppy grounds, to the diminution of the produce in opium. 2dly. For embezzlements, by granting false receipts for, and making false entries of deliveries of the crude opium. 3dly. For embezzlements of cash, undue detention of the contractor's money, on plea of arrears of wages. The following rules were passed respecting the above cases, on the 31st of December 1790.

Further queries from the moolky dewanny adawlut in respect to the contractor's prosecutions for embezzlements and malversations, by his servants in the opium department.

Second. *1st.* If it has always been customary to sow gool masuffer among the opium, and it shall not appear that the plaintiff prohibited this practice, the defendant is not liable to any special penalty on this account. But if the sowing of this article be a new practice, introduced by the agent of the contractor for his own advantage, in such case, an estimate is to be made of the diminution of the produce of opium thereby occasioned, and the value of such opium appreciated at the bazar or market price, is to be awarded to the plaintiff.

Rules thereon.

Penalty for diminishing the opium produce by unduly mixing other articles of growth in the poppy beds.

Third. *2d.* With regard to embezzlements committed by the servants of the contractor by their passing undue receipts for and entries of opium or otherwise, as the regulations against smuggling did not appear to apply to such frauds, the judge was instructed to award against the defaulters, a penalty equal to twice the bazar value of the opium, ascertained to have been so embezzled.

For fraudulent entries and mis-stated deliveries of the crude material.

Fourth. *3d.* At the same time that the servants of the contractor are subjected to the above penalties, they are to be secured in the receipt of their full wages, whilst in office, that is, until the period of their being replaced by their successors, and are to be considered bound to render a fair and just account, of all sums or advances made to them by the contractor.

Servants to be secured in the receipt of their wages and to render accounts.

LXI. The judge of the moolky dewanny adawlut, having applied to the resident to know whether by the term of the bazar value in clause third, section LX, that of the city of Benares, or the price paid by the contractors to the ryots, was to be understood, he was informed on the 3d of February 1791, that the opium was to be estimated according to its value in the bazar of Benares; this rule and that contained in clause third, section LX, in consideration of the various circumstances under which these frauds were committed, so as to render one specific or general penalty inapplicable to each of them, were rescinded; and in lieu thereof, the judge was directed to award in all cases of this description, such penalty for any fraud or frauds,

Rule as to the bazar value.

Repeal of this rule and penalties in such cases to be in conformity to the law of the religion of the party prosecuted.

or opium embezzlements, committed by the contractors servants, as by the law of the religion of the party prosecuted, might be ascertained to be equitable according to the circumstances of each case, as established on the trial.

Penalties against illicit buyers declared to be the same as against the sellers.

LXII. The judge of the moolky dewanny adawlut, in consequence of certain suits instituted in the court, having represented, that although he had been instructed respecting the penalties that were to be levied for the illicit sale of opium, yet that those against buying that article had not been fixed; he was directed on the 28th May, 1792, to adjudge the same penalties against the purchaser, as were prescribed for the seller. This order was in conformity to the proclamation issued by the Governor General in Council, under date the 4th of March 1791, which had been previously circulated to all the aumils for general information on the 9th of April 1791, and was afterwards communicated to the several courts, under date the 9th of June 1792: with instructions to cause to be paid in the instance of the purchasers therein specified, one half the fine to the informer, and the other moiety to government; but to pay to the contractor as before the whole of the fine leviable from the ryot disposing of the opium. These further instructions were approved by the Governor General in Council on the 29th of the same month and year, and by his orders of this date not only ryots embezzling or disposing of opium otherwise than to the contractor, are declared subject to the penalties specified in clause fifth, section LV, and clause second, section LVI, but all zemindars, talookdars, or other landholders (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the same penalties as ryots carrying on an illicit traffic in opium) are to be liable to a penalty of ten rupees per seer, for all smuggled opium that may be proved to have been sold within the limits of their lands, with their connivance or knowledge.

Mode of appropriation of the penalties incurred by parties purchasing opium clandestinely.

Penalty against landholders conniving at the illicit sale of opium within their limits.

Rules for the administration of criminal justice under the residency.

LXIII. The preceding sections of the present Regulation, comprehend all the principal rules for the administration of justice in civil causes, as successively framed during the existence of the residency. With regard to the administration of justice in criminal cases, by the orders of the Governor General in Council of the 29th of February, the 6th of August, and the 28th of November 1788, and the 10th of June 1789, the resident was vested with authority to revise all trials and sentences passed by the native courts, and to sanction them if conformable to the mahomedan law. The sentences thus approved were directed not to be referred to the Governor General in Council, previous to their being carried into execution, excepting in cases in which the resident might deem such reference necessary. No sentences however of a capital nature, or inflicting any severe punishment, were ever confirmed by the resident, or carried into execution by the courts, until they had been previously approved by the Governor General in Council, and directed by him to be enforced.

Brahmins convicted of murder to be transported beyond sea.

LXIV. *First.* It having been deemed objectionable to subject brahmins within the zemindarry of Benares to capital punishment, for murder, or such other crimes, as according to the mahomedan law, rendered them liable to that punishment, the Governor General in Council, on the 8th of October 1790, ordered that such criminals should in future be liable to be transported to Prince of Wales's island, to be kept there during the remainder of their lives. Public notice of this rule was accordingly promulgated on the 28th of December following throughout the zemindarry; and on the 29th of November 1793, that place of transportation was changed by order of government for the Andamans, to which island, by a further order of the 6th of June 1794, all persons who may be hereafter sentenced to confinement for life, for murder, robbery, or theft, are declared liable to be transported for a shorter or longer period, according to the nature of the offence (n)

(n) This section is in force under the modification of the latter part thereof by R. 9, of 1813, and R. 14, of 1816, S. 15, agreeably to which, persons sentenced to transportation, are sent to such of the British settlements in Asia, as the Governor General in Council shall appoint. It is also competent to the Governor General in Council to detain at the jail of Allypore, for any period he may deem proper, any person who may be sentenced to transportation.

Second.

Second. On the 7th July 1789, the resident published throughout the zemindarry, the order of government of the 17th of June preceding, denouncing the further penalty of banishment against the families of brahmins convicted of killing their women or children, in the cases and under the circumstances therein set forth, and as more fully particularized in section IX, Regulation XXI, 1795.

Penalty of banishment denounced against the families of brahmins found guilty of slaughtering their women or female children.

LXV. The following rule was passed by the Governor General in Council on the 29th of April 1791. That in future, where prisoners shall be sentenced by the criminal courts in the zemindarry, to lose two limbs, such punishment shall be commuted for fourteen years imprisonment and hard labor; and that in cases where prisoners shall be condemned to lose one limb, the punishment shall be commuted for imprisonment and hard labor for a period of seven years. This rule was accordingly notified to the several courts on the 10th of May following, for their information and guidance.

Commutation in respect to sentences of mutilation.

LXVI. *First.* On the 15th of July 1791, the Governor General in Council directed, that in all future trials for murder in the criminal courts of the zemindarry of Benares, the law officers should deliver the futwah according to the doctrines of Yusef and Mohummed.

Rule of law to be observed in the criminal courts.

Second. Agreeably to an order passed by the Governor General in Council, natives charged with the perpetration of murder within the limits of the fortress and garrison of Chunar, are to be delivered up, and tried in the criminal courts of the province of Benares. But lesser offences, are to be left to be tried and punished in the garrison. *(o)*

How far the native inhabitants within the limits of the garrison of Chunar, are liable to the jurisdiction of the courts of Benares in criminal cases.

LXVII. The preceding sections, contain the principal rules for the administration of civil and criminal justice, under the residency. The following relate to the general police of the zemindarry, and other miscellaneous matters, connected therewith.

Polic regulations under the residency.

LXVIII. *First.* On the 14th of September 1787, a general prohibition was issued against natives dressing their peons or other servants in the uniform of the honorable company's native troops, on pain of such persons being apprehended and punished. This rule was afterwards repeated, and extended, in a proclamation, published by the Governor General in Council on the 26th May 1790, which comprehended the following clauses. *(p)*

Prohibition against private servants appearing dressed like sepoys.

Second. *1st.* "All persons, europeans or natives, within the company's provinces, which include the district of Benares, (excepting the vakeels from the native powers,) are positively forbid to dress any of their servants, either for the purpose of parade or of business, in the uniform of the honorable company's sepoys and lascars, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it, to impose themselves on the country people for sepoys and lascars."

Third. *2d.* "All natives excepting those actually in the military service of the company, or belonging to the vakeels of the native powers, are forbid to wear a dress similar to that mentioned in the first article."

Fourth. *3d.* "Collectors of districts, chiefs of factories, commercial and salt agents, magistrates, and other company's servants, in official capacities, who are allowed establishments of peons, and pikes, or who have occasion to employ persons of that description, are prohibited from putting them in a military dress."

Fifth. *4th.* "Native officers and sepoys, excepting subadars, jemadars, and serangs, even though in the service of the company, who may temporarily reside, or have occasion to travel, in the interior parts of the country, unless employed on the public service, are forbid to wear their uniform coats."

(o) See the further provisions of R. 3, of 1809, and R. 20, of 1810, for the administration of civil and criminal powers within garrisons, cantonments, and other military stations.

(p) Extended, with amendments, to the whole of the territories under the presidency of Fort William, by R. 11, of 1806, S. 9, Cl. 1.

Sixth.

Sixth. *5th.* "By the operation of the foregoing articles, the use of a military dress will be confined to natives in the military service of the company, (or to those belonging to the vakeels of the native powers,) and in the interior parts of the country, to such of them only, with the exception of the commissioned officers, specified in the fourth article, as may be employed on public duties; and to secure the full effect of these orders, the military commanding officers of stations, and of detachments, in the interior parts of the country, collectors of districts, residents, and magistrates, are hereby vested with authority, and are required to deprive any man of a military dress, who shall presume to wear one contrary to these regulations, unless it shall appear that such man is in the service of the company, in which case, if he be not employed upon duty, he is to be sent to the corps to which he may belong, with a written complaint against him."

Seventh. *6th.* "Military officers, or other persons to whom escorts may be allowed when travelling through the country by land, or proceeding by water, are forbid to send sepoys or lascars into the villages for the purpose of procuring any sorts of provisions, or of pressing coolies and dandies. Every town and village upon proper application to the chief person in it, will in consequence of instructions from the several collectors to that end, furnish such assistance in the above points, as they may be capable of affording, and by that means, render forcible and violent measures entirely unnecessary."

Eighth. On the 14th October 1792, the aumils were enjoined to attend to the due accommodation of travellers, whether europeans or asiatics, as an essential part of their duty, for any failure or neglect in which, they would be held accountable.

Penalty against begaree or constrained service.

LXIX. On the same date, a prohibition was issued against begaree, or the practice of individuals seizing, and compulsively exacting service from artificers, masons, and other workmen, or servants, under the penalty of the offenders being fined for such offence, in a sum equal to double the usual wages of the person or persons thus put under constraint, to whom such fine is to be paid as an indemnification.

Prohibition against the use of compulsion in commercial transactions.

LXX. A general notification was published throughout the zemindarry, prohibiting all persons, whether British subjects or natives, from having recourse to any compulsion in carrying on trade, or forcing advances on the sellers, or taking the goods of any ryot or trader through violence, under the plea of purchasing them.

Discontinuance of fines on new settlers, and on the sale of houses in the mart of Mirzapoor.

LXXI. *First.* It appearing to have been customary under the native government, to levy a tax or fine on all new settlers, as well as to receive one fourth of the price of all houses, sold in the town or mart of Mirzapoor; an order was issued to the judge on the 20th of April 1788, to discontinue these exactions.

Nature of the tenure held by the inhabitants of the engrezee mohullah at Mirzapoor.

Second. The mart of Mirzapoor, having increased considerably in extent and population: an entire new and extensive quarter has been added to it, under the name of the engrezee mohullah. For the ground in this mohullah on which the houses are built, bukhish-namas or grants, on the payment of a small fine of entry to government, were issued by the resident, with the approbation of the Governor General in Council, exempting these tenements from all ground rent in time to come.

Prohibition against persons from employing badged peons.

LXXII. On the 2d of July 1788, the Governor General in Council directed a publication to be issued prohibiting all persons, (except the resident, the rajah, and the judges,) from employing badged peons, in the management of their private affairs; and requiring the officers of government stationed throughout the country, to apprehend all such persons, and send them to the resident, who was thereon to report the names of their employers to the Governor General in Council. Since the date of the publication, no person or persons, excepting those above specified, have been allowed to distinguish their peons by badges, excepting the commercial resident, and occasionally the opium contractor. (q)

(q) Extended, with amendments, to the whole of the territories under the presidency of Fort William, by R. 11, of 1806, S. 9, C. 1.

LXXIII.

LXXIII. Under date the 12th November 1788, the Governor General in Council acquainted the resident, in his capacity of magistrate at Benares, that all europeans, not British or French subjects, were equally amenable with the natives to the authority of the magistrate, within the said district, and to the jurisdiction of the foujdarry courts, and that in the event of any acts being committed by French subjects, which, had they been British subjects, would render them objects of a criminal prosecution and trial in the Supreme Court of Judicature, such French subjects were to be apprehended on information being lodged against them upon oath; and sent to the presidency, if there appeared grounds for the institution of a criminal prosecution against them. (r)

How French and other european subjects are to be proceeded against, if they commit any breach of the peace.

LXXIV. On the 7th of August 1789, the resident published the proclamation issued by government on the 22d July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of exporting them for sale, as slaves, to different parts of India, or elsewhere, and declaring that all persons who should in future be concerned directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the Supreme Court at the expense of the company; and if British born subjects, that they should be forthwith sent to Europe; or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local magistrate, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

Proclamation issued against the exportation of slaves.

LXXV. On the 10th November 1789, the exclusive privilege of providing chunam and fire-wood for the use and consumption of the city of Benares, which had been before let in farm, was abolished, and the traffic in these articles was rendered free.

Abolition of the chunam and firewood monopolies.

LXXVI. In consequence of the inconvenience and disputes which resulted from the same ryots cultivating lands on both sides of the line of frontier, between the district of Benares and the dominions of the Nawaub Vizier, this practice was prohibited on the 14th December 1790, and the aumils under both jurisdictions, were apprized accordingly.

Prohibition against the same ryots cultivating on either side of the borders.

LXXVII. On the same date, a circular order was addressed to the aumils throughout the zemindarry, to cause the roads and highways to be kept in a due state of repair by the zemindars, and renters of each talookah, or village, as far as such roads and highways should extend through their respective limits.

Highways to be kept in repair by the zemindars and farmers within and throughout their respective limits.

LXXVIII. On the 23d December 1789, an engagement was entered into by the tribe of raujekoomars, to renounce the practice which had long obtained among them, of suffering their female infants to perish under the circumstances specified in section XIII, Regulation XXI, 1795.

Prohibition against raujekoomars killing their children.

LXXIX. On the 2d January 1790, a circular letter was written to the aumils, requiring them to be attentive to prevent any zemindar or farmer within their limits, from constructing any new ghurry or fort, or repairing any of the existing forts, it being desirable, that the latter might gradually become unserviceable as strongholds. The aumils were at the same time instructed to endeavour to clear their several districts of the jungles and thickets, which had been in many instances purposely allowed to grow by the landholders, as places in which they might take refuge, against the regular operations of the authority of government. The clearing of these places was further necessary, as they afforded shelter to robbers and other ill-disposed persons.

Prohibition against the construction of new ghurries, or repairing those that are still standing; and jungles to be cut down.

LXXX. On the 12th March 1788, an establishment was formed for the protection of the inland trade, carried on by the duk-khin road to Mirzapore. The persons appointed for that purpose have rendered themselves responsible for all robberies committed within their respective limits, and on the 13th March 1790, the number of guards on their establishment was increased to one hundred and thirty-nine, whose monthly pay is defrayed from the establishment of the custom house at Mirzapore.

Establishment of chokeedars for the protection of the duk-khin trade.

(r) This section is not in force.

Rules relative to the stone mahaul.

LXXXI. *First.* On the 25th November 1789, in consequence of representations made to him by the resident and the commissary of bazars, (which last mentioned officer holds the exclusive management of the stone mahaul,) the Governor General in Council ordered that the receipts from this mahaul be carried to the credit of the military fund, as heretofore, but that the commissary should not be allowed to demand a higher price for the stones, than that for which they were sold previous to the year 1781. (s)

Second. The stones required for the interior use of the country, such as pressing the sugar cane and various domestic purposes, were directed to be continued to be furnished at the same reasonable rates as those at which the country people formerly procured them.

Third. The Governor General in Council further directed, that the duties claimed by the commanding officer at Chunar on boats passing the fort were to be considered to have been annulled on the late general abolition of all interior imposts, and that in future, no duties whatever were to be levied on boats and merchandise passing Chunar, either by the commanding officer or for the benefit of the military fund.

Farther rules for the stone mahaul at Mirzapore.

LXXXII. *First.* In consequence of disputes soon after ensuing between the farmer of the stone mahaul, and the inhabitants of Mirzapore, (over which place the exclusive rights of the farmer did not appear to have been before established, although he had occasionally sold stones there to individuals, without however having been able to prevent other dealers from carrying on the same trade,) it appeared to the resident under these circumstances, that it would prove an adequate consideration to the farmer, if he were thenceforth allowed the exclusive privilege of furnishing the stones wanted by the inhabitants of Mirzapore, at the prices specified in the first and second columns of the following comparative statement, being those which had been usually paid for stones by the said inhabitants, for their buildings, and other domestic purposes; and orders were accordingly passed at Mirzapoor on the 13th March 1790.

(s) This and the next section, exceptingclause fourth of the latter, have been superseded by R. 2, of 1800, S. 15.

Comparative

COMPARATIVE view of the price of different stones, as collected from the accounts of the merchants of Mirzapore, and from those of Seda Sheo Misser, the farmer of the Chunar quarries.

	According to the accounts delivered in by the beeparies.								According to the accounts delivered in by Seda Sheo.								Difference.	
	Kaun khereed, or quarry purchase.				Mundvy khereed or mart purchase.				Kaun khereed.				Mundvy khereed.				More, according to the farmer Seda Sheo.	Less according to the farmer Seda Sheo.
		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		
Janta, or grinding stones for grain, ...	12 pairs.	1	0	0	8 pairs.	1	0	0	12 pairs.	1	0	0	8 pairs.	1	0	0		
Chackee, or smaller ditto, ...	100 do.	5	0	0	100 do.	7	0	0	100 do.	5	0	0	100 do.	7	0	0		
Chowkas, ...	1 piece.	0	0	10	1 piece.	0	0	12	1 piece.	0	0	10	1 piece.	0	0	12		
Hoorsa, or stone to bruise or powder sandel, ...	1 do.	0	0	1½	1 do.	0	0	2	1 do.	0	0	1½	1 do.	0	0	2		
Selee kallan, or larger grinding stones, } These are not prepared or cut, but merely the rough stones, as hewn out of the quarry.	100 do.	5	0	0	100 do.	6	0	0	100 do.	5	0	0	100 do.	6	0	0		
Selee mujhouly, or middling ditto.	100 do.	2	0	0	100 do.	3	0	0	100 do.	2	0	0	100 do.	3	0	0		
Selee khord, or smaller ditto,	100 do.	1½	0	0	100 do.	2	0	0	100 do.	1	3	0	100 do.	2	0	0		
Koloo, or sugar cane stones uncut, 5 hauts long, and 14 mushts broad, transporting the same to the river side, ...	1 piece.	9	0	0	No price, being always bought from the Georcahs or cutters.				Purchases at 9 rupees and sells at 13 ditto, ...				....				4 0 0	
Do. do. 2d sort, 12 mushts broad, and 4½ hauts long, ...	1 do.	7	0	0	Ditto,	Ditto,			Purchases at 13 ditto, and sells at 10 ditto, ...				....				3 0 0	
Do. do. 3d do. 10 do. and 1 do.	1 do.	5	0	0	Ditto,	Ditto,			Purchases as 5 ditto, and sells at 7 ditto, ...				....				2 0 0	
STONES FOR BUILDINGS.		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.		
Dassa stones, (large) 1 derreh breadth, and 3 derreh in length, and 7 tessoo thick,	5 pieces.	1	0	0	1 piece.	0	9	3	5 pieces.	1	0	0	1 piece,	0	13	0	0 3 9	
Chapeta, breadth 18 tessoo, length 3 derreh, 4 tessoo thick, ...	7 do.	1	0	0	1 do.	0	5	3	7 do.	1	0	0	1 do.	0	8	0	0 2 9	
Awbnoet, do. 1 derreh, do. 3 do. and thick less 3 tessoo.	4 do.	1	0	0	1 do.	0	7	0	4 do.	1	0	0	1 do.	0	12	0	0 5 0	
Boojowtee, do. 1 do. do. 4½ do. and do. 5 do.	4 do.	1	0	0	1 do.	0	10	0	4 do.	1	0	0	1 do.	0	14	0	0 4 0	
Dassa, (small) brought on buffaloes. 9 tessoo in breadth, length 2½ derreh, and 4 tessoo thick. But if the merchant transports these by his own carriage from the quarries, he will then get twenty-four pieces of these small dassa per rupee.	12 do.	1	0	0	10 do.	1	0	0	12 do.	1	0	0	8 do.	1	0	0	2 pieces.	
Puttera, breadth 15 tessoo, length 2½ derrehs, thickness 3 tessoos; the same as small dassa (the foregoing article) in all respects.																		
Puttea, breadth 1 dust or cubit, and 1 musht, and in length 2 dusts, thickness 1½ tessoo, ...	100 pieces.	3	0	0	100 pieces.	5½ to 6 rs.			100 pieces.	3	0	0	100 pieces.	6½	0	0	1½ to 1 R.	
Nul budderrow, do. 15 tessoos, length 5 derah, thickness 12 tessoos,	1 do.	1	0	0	1 do.	2	0	0	1 do.	1	0	0	1 do.	2½	0	0	0 8 0	
Khoonth, do 15 do. length 5 do. do. 5 do.	2 do.	1	0	0	1 do.	1	0	0	2 do.	1	0	0	1 do.	2	0	0	1 0 0	
Khamha, do. 12 do. do. 3 do. do. 12 do.	2 do.	1	0	0	1 do.	0	9	3	2 do.	1	0	0	1 do.	0	13	0	0 3 9	
Dhooka, or irregular and inferior stones, ...	No price.				100 cucha bullock loads.	3	0	0	No price.				100 bullocks loads, cucha	3	8	0	*Remark.* The difference in these prices arises from the greater or smaller loads on the bullocks; and not from the stones.	
Ditto, (middling load of)	Do.				100 do.	3½	0	0	Do. do.				Do. do.	4	0	0		
Ditto, (pukhta, or full load of)	Do.				100 do.	4	0	0	Do. do.				No mention.					
Ditto, ...					5 cart loads.	1	0	0	Do. do.				6 cart loads,	1	0	0	1 cart load.	
Ditto, ...					6 do. do.	1	0	0	Do. do.				7 do.	1	0	0	1 ditto ditto.	

The difference in these cart-load prices, depends also on the load, as smaller bullocks can bring but a smaller load, whilst larger and stronger bring more.

Concurrence of the inhabitants at Mirzapore, to purchase from the farmer of the stone mahaul accordingly.

Second. At the same time, the inhabitants of Mirzapore agreed to pay the farmer for the stones they might want, according to the prices in the first and second columns of the preceding statement, as being those which they acknowledged to have been current previous to the year 1781.

The trade in dhooka stones left free.

Third. But with regard to the irregular shaped, and inferior description of stones, called dhooka, which the ryots and the poor had been invariably permitted to bring from the hills on their heads, or on bullocks, or in carts, to be disposed of for their own benefit, it was declared that this petty traffick should continue as before altogether free and independent of the farmer of the stone mahaul; and the inhabitants of the town of Mirzapore may accordingly purchase these dhooka stones from the dealers.

Hill people at liberty to procure stones for their own use as usual.

Fourth. The hill people are not to be required to pay any duty for the stones of any kind, which they may want for their own use, and the farmer of the stone mahaul is not to interfere with them.

Stones exported from Mirzapore to be accompanied by the farmer's pass.

Fifth. To prevent any other person besides the farmer of this mahaul, from exporting stones from Mirzapore, it was made a rule, that stones exported, should be accompanied by the pass of the farmer.

Duty leviable at Chunar on stones thus exported.

Sixth. Stones exported from Mirzapore, are still liable, (as prescribed by the order of the Governor General in Council, passed on the 11th of June 1793,) to a duty on passing the fort of Chunar, which is levied by the commissary for the benefit of the bazar, or military fund; whilst the custom house, and all other duties or tolls on the exportation of this article, have been abolished, as referred to in clause third, section LXXXI.

Reward for killing tygers, &c.

LXXXIII. On the 31st of March 1790, a reward of ten rupees was fixed for every tyger, bear, or other destructive and wild animal, that should be killed within the zemindarry.

Contribution payable by the inhabitants of the city of Benares, for cleansing and repairing the drains and water-courses within the city.

LXXXIV. The magistrate of the city of Benares, having reported that the drains and water-courses had been usually cleansed and repaired by a behree or cess levied on the inhabitants, equivalent to the expense, the resident, on the 10th of July 1790, authorized the magistrate to make such collection for the purposes in question, as far, and in such instances, as the inhabitants should voluntarily agree to contribute their respective quotas.

Regulation to protect weavers against the impositions of the dellols and dustoories.

LXXXV. In consequence of complaints preferred by the weavers in the sircar of Ghazeepore, of the impositions practised on them by the dellols and dustooris, orders were issued on the 22d of March, and 22d of July 1790, notifying that the weavers throughout the four sircars, composing the zemindarry of Benares, were to be considered as having the option of carrying on their business, either through or without the interference of the abovenamed intermediate agents, and that they were at full liberty to bring their cloths into any bazar or market, and freely to dispose of them to the best advantage; and that no person was to presume on any pretence, to fix any price on their goods; and that they were to sell their fabrics to whomsoever they might think proper, and for such price, as they and the purchaser might mutually and voluntarily settle.

Scavenger's establishment in the city of Benares.

LXXXVI. On the 9th of August 1790, an establishment was entertained and placed under the control of the magistrate of Benares for keeping the city clean, the expense of which was defrayed from the russoom or commission authorized by section XXIV and XXXIV, to be levied on law suits. *(t)*

Prohibition of dhurna.

LXXXVII. The orders of the Governor General in Council under date the 2d of November 1792, prohibiting the practice of sitting dhurna, were issued as specified in Regulation XXI, 1795.

(t) This section is not in force.

LXXXVIII.

LXXXVIII. In pursuance of the order of government of the 12th of November 1792, measures were taken to promote the salubrity, and improve the police of the city of Benares, by fixing on separate spots in the suburbs, for the shambles and liquor-shops, and by cutting an extensive water-course, to drain the superfluous waters from the back part of the town into the Burna rivulet.

Regulation respecting the shambles, and liquor shops, in the city of Benares.

LXXXIX. The several rules detailed in the preceding sections, and especially those which relate to zemindarry claims and rights in sections XV, XX, XXII, XXVI, XXXII, XXXIII, and XXXV, are to continue in force, with the exception of the whole or any part of such rule or rules, as have been or shall be either expressly repealed, or altered by, or may be inconsistent with, any provision or provisions in any Regulation declared to extend to the province of Benares, passed on this date, and printed and published in the manner prescribed in Regulation XLI, 1793, or that may be hereafter passed, and so printed and published. (v) But with respect to the prescriptions in section XXXIII, relative to boundary disputes, unless the separation and annexation shall be clearly proved to have taken place previous to the period referred to in clause seventh, section XXXV, or a regular decree shall have been since passed by some competent court deciding the dispute, the courts, in future, are not to consider the mere lapse of time as a bar to their taking cognizance of such suits. As far as may be practicable, the courts are to procure all such disputes to be decided by arbitration, and in the event of any part of the lands included in the pottahs for the payment of the revenue assessed on the estates of either of the parties at the conclusion of the permanent settlement in 1197, being awarded to the other, either by arbitrators, or by the courts, a proportionate part of the fixed revenue shall also become payable by the party thus acquiring the additional land, and the amount of such proportion shall be determined agreeably to the rules prescribed in Regulation XXVII, 1795.

Rules in the preceding sections to operate and to have force and effect under the new system of administration introduced into Benares, unless rescinded or altered by any printed Regulation, passed on or after this date.

Exception with respect to the future decision of boundary disputes.

XC. The records of the civil and criminal causes decided, and the papers and pleadings in those depending, in the courts of the city of Benares, and the towns of Ghazepore, (u) Juanpore, and Mirzapore, and in the moolky dewanny and moolky foujdarry adawluts, are to be made over by the native judges to the british judges of the newly established courts to which they may belong, or in which they may be cognizable, according to the local jurisdiction assigned to the courts by section IV, Regulation VII, 1795; and the native judges are to obtain receipts in duplicate for such records from the british judges respectively, and are to retain one copy of the receipts in their own possession, and to lodge the other with the provincial court of appeal, established under Regulation IX, 1795.

How the records of, and the causes pending in, the old courts, are to be transferred to the new.

XCI. With respect to the records in the native languages in the possession of the resident, in his capacities of judge of the court of appeal and revision for hearing appeals from the decisions of the native courts, and magistrate; the resident, or the senior of his assistants on the spot, is to deliver over the former, (with the exception of the records and papers in the causes specified in section XCIII,) to the provincial court of appeal established by Regulation IX, 1795, and the latter, to the court of circuit instituted under Regulation XVI, 1795. The register to these courts, is to grant duplicate receipts for such records as shall be thus transferred, of which, one copy is to be transmitted to the register to the Sudder Dewanny Adawlut, and the other, to the register to the Nizamut Adawlut.

How the judicial records in the native languages, in the resident's office are to be disposed of.

XCII. Upon this transfer of the records, the causes depending, whether civil or criminal, are to be proceeded with by the new courts, according to the Regulations passed on this date, or which may be hereafter passed, and printed and published in the manner

How the civil suits depending, and subjects of criminal prosecution, are after the transfer of the

(v) Such of these rules as are not now in force, will be seen from the notes in the foregoing pages of this Regulation.

(u) This zillah has been discontinued. See R. 14, of 1807, S. 10. C. 2.

prescribed

records thereof to the new courts, to be proceeded with.

prescribed in Regulation XLI, 1793. All proceedings held in the former courts, on each undetermined suit or prosecution, are to be preserved, and to make part of the record in such suits and prosecutions, and are to be allowed their full weight in the decision and judgment, as for as they shall appear to be consistent with the rules then in force for the administration of justice, as contained in the several sections of this Regulation.

In what manner undecided causes depending in the court of appeal and revision, superintended by the resident, are to be disposed of; and when they are to be heard and decided.

XCIII. Causes depending and undecided in the court of appeal and revision superintended by the late resident, are to be transferred by him, or by his senior assistant on the spot, together with all the records and pleadings relative thereto, (for which duplicate receipts are to be given and disposed of as prescribed with regard to the papers alluded to in section XCI.) to the judges of the newly established courts of adawlut in which they may be cognizable, according to the local jurisdiction assigned to the several courts by section IV, Regulation VII, 1795, and the judges shall revise these causes, on the same principles, as under the rules in this Regulation, the resident would have heard them in appeal. If the revising judge shall think the proof or proceedings on either side defective, he is to call on the parties to supply the defects, and after making such further inquiry as he shall deem necessary, he is to confirm, alter, or reverse the decree of the native court, as may appear to him equitable. From any such decree of the revising judge, an appeal is to lie to the provincial court of appeal, under Regulation V, 1793, and Regulation IX, 1795, and eventually to the Sudder Dewanny Adawlut, (if the cause shall be cognizable by that court,) under Regulation VI, 1793, and Regulation X, 1795.

When the hearing of such undecided causes in appeal, are to be proceeded with.

XCIV. The british judges are to proceed to the hearing of the appealed causes alluded to in section XCIII, on days to be specially appointed for that purpose, of which due notice is to be given to the litigating parties, that they or their authorized vakeels may attend; and separate reports are to be made of the decisions passed by the judges on these appealed causes, in the form prescribed in section XI and XII, Regulation XVIII, 1793, extended to the province of Benares, by Regulation XVIII, 1795.

What reports are to be made in respect to them.

What description of undecided causes in appeal from the native courts, may be referred to arbitration.

XCV. With respect to such of the abovementioned undecided causes in appeal, as may be of the nature of the suits described in section II, Regulation XVI, 1793, extended to the province of Benares by Regulation XV, 1795, the judges, without regard to their amount, are to recommend to the parties to submit the same to arbitration, either with or without reference to the record of the first trial in the native court, as the parties may agree on; and the said judges are respectively empowered, with the consent of the parties, thus to refer the decision of such undecided causes in appeal to one or more arbitrators, and to pass a decree conformably to the award, subject to all the rules relative to awards, contained in Regulation XVI, 1793.

What part of these depending causes in appeal may be revised and decided on by the register of the city court of Benares.

XCVI. As the greater number of the undecided causes in appeal, under the operation of the rule contained in section XCIII, will be transferred to the court of the city of Benares, the judge of this court, is therefore empowered to authorize the register to try and decide, in like manner as he might himself, all or any of the appealed causes in question, where the amount or value of the thing contested shall not exceed the sum of one thousand sicca rupees. The decrees which may be passed by the register in such cases, are to be attested with his signature and the seal of the court, and an appeal is to lie from them to the provincial court of appeal, in the same manner as if they had been revised and decided by the judge.

REGULATION XXIII.

A. D. 1795. REGULATION XXIII (w)

A REGULATION *for extending to the province of Benares*, *Regulation* XLVI, 1793, *entitled*, A Regulation for admitting persons of certain descriptions, to sue in the courts of civil judicature as paupers.—PASSED *by the Governor General in Council, on the 27th March*, 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzdan* 1209 *Higeree.*

THE reasons assigned in the preamble to Regulation XLVI, 1793, for admitting persons of certain descriptions, to sue as paupers, in the courts of civil judicature, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares, the following rule has been enacted.

II. Regulation XLVI, 1793, is hereby extended to the province of Benares.

Regulation XLVI, 1793, extended to Benares.

A. D, 1795. REGULATION XXIV.

A REGULATION *for extending to the province of Benares*, *Regulation* XXVIII, 1793, *entitled* A Regulation for prohibiting british subjects, (excepting king's officers serving under the presidency of Fort William, and civil covenanted servants of the company, and their military officers,) residing at a greater distance from Calcutta than ten miles, unless they render themselves amenable to the courts of dewanny adawlut, in civil suits which may be instituted against them, by any of the descriptions of persons mentioned in section VII, Regulation III, 1793, and for enabling british subjects to recover any demands, recoverable under the Regulations, which they may have upon such persons.—PASSED *by the Governor General in Council, on the 27th March*, 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

IT being necessary, on grounds similar to those stated in the preamble to Regulation XXVIII, 1793, that the rules contained in that Regulation for prohibiting british subjects, with certain exceptions, residing at a greater distance from Calcutta then ten miles, unless they render themselves amenable to the courts of judicature, in civil suits instituted against them by persons amenable to those courts, for money or property not exceeding in amount or value five hundred sicca rupees, and also for enabling british subjects to recover demands, recoverable under the Regulations, which they may have upon such persons, should be extended to the province of Benares, the following rule has been enacted.

II. Regulation XXVIII, 1793, is hereby extended to the province of Benares.

Regulation XXVIII, 1793, extended to Benares.

(w) Rescinded by R. 28, of 1814, S. 2.

REGULATION XXV.

A. D. 1795. REGULATION XXV.

A REGULATION *for extending to the province of Benares, Regulation* XLVII, 1793, *entitled,* A Regulation for providing for differences of opinion between the judges of the provincial courts of appeal, and courts of circuit, and prescribing rules regarding other matters connected with their official situations.—PASSED *by the Governor General in Council, on the 27th March* 1795 *; corresponding with the 16th Chyte* 1201 *Bengal era ; the 22d Chyte* 1202 *Fusly ; the 16th Chyte* 1202 *Willaity ; the 22d Chyte* 1852 *Sumbut ; and the 5th Ramzaan* 1209 *Higeree.*

THE provisions made in Regulation XLVII, 1793, respecting differences of opinion between the judges of the provincial courts of appeal, and the courts of circuit, in the provinces of Bengal, Behar, and Orissa, and the other matters specified in that Regulation being equally requisite for the guidance of the judges of the provincial court of appeal, and the court of circuit, in the province of Benares, the following rule has been enacted.

Regulation XLVII, 1793, extended to Benares.

II. Regulation XLVII, 1793, is hereby extended to the province of Benares.

A. D, 1795. REGULATION XXVI. (x)

A REGULATION *for extending to the province of Benares, with alterations, Regulation* XXV, 1793 *entitled,* A Regulation for the division of estates paying revenue to government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate.—PASSED *by the Governor General in Council, on the 27th March,* 1795 *; corresponding with the 16th Chyte* 1201 *Bengal era ; the 22d Chyte* 1202 *Fusly ; the 16th Chyte* 1202 *Willaity ; the 22d Chyte* 1852 *Sumbut ; and the 5th Ramzaan* 1209 *Higeree.*

THE rules prescribed in Regulation XXV, 1793, for the division of estates paying revenue to government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate, in the provinces of Bengal, Behar, and Orissa, with certain alterations, being considered equally applicable to the province of Benares, the following rules have been enacted.

Regulation XXV, 1793, extended to Benares with alterations.

II. The rules contained in Regulation XXV, 1793, for the division of estates paying revenue to government, and for allowing two or more proprietors of shares of an estate, to hold their shares as a joint undivided estate, in the several zillahs in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for the division, and for the union of the shares of all such estates, in the province of Benares, with the following alterations.

Public revenue on the shares of estates to be divided, to be assessed agreeably to the rules prescribed in Regulation XXVII, 1795

III. The public revenue to be assessed on each estate into which the property may be ordered to be divided, is to be apportioned in the province of Benares, agreeably to the rules prescribed in Regulation XXVII, 1795, instead of Regulation I, 1793.

Prescribed entries to be made in the quinquenni-

IV. The entries directed to be made in the quinquennial register, and the register of intermediate mutations in property, ordered to be kept by Regulation XLVIII,

(x) Rescinded by R. 19, of [illegible], s. 2.

1793,

1793, are, in the province of Benares, to be made in the quinquennial register and register of intermediate mutations, directed to be kept by Regulation XIX, 1795.

al register, and register of intermediate mutations, directed to be kept by Regulation XIX, 1795.

V. Putwarries refusing to deliver their accounts, or otherwise acting contrary to the rules prescribed to them, are to be proceeded against in the manner specified in section IX, Regulation XXVII, 1795, instead of section LXII, Regulation VIII, 1793.

Putwarries refusing to deliver their accounts, &c. to be proceeded against in the manner prescribed in section IX, Regulation XXVII, 1795.

VI. *First.* The following rule is substituted in lieu of section XXVI.

Rule substituted in lieu of section XXVI.

Second. If any of the sharers in landed property ordered to be divided, shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector is to report the same to the Board of Revenue, or to the Court of Wards, in the event of the authority of that court being hereafter extended to Benares, and the Board, or Court, are enjoined to be careful that the rights of such proprietors are duly attended to in the division.

Board of Revenue, or eventually the Court of Wards, to take care that the rights of females, or proprietors disqualified by natural defects, or infirmities, are duly attended to in divisions.

VII. *First.* The following rule is substituted in lieu of section XXVIII.

Rule substituted in lieu of section XXVIII.

Second. Landed property, for the payment of the public revenue assessed upon which, engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this Regulation, is to remain wholly answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

Joint landed property, to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

A. D. 1795. REGULATION XXVIII.

A REGULATION *declaratory of certain reservations made by government, and of rights preserved to the proprietors of landed estates, under the permanent settlement of the land revenue made in the province of Benares; for allowing of the transfer or division of entire estates, or portions of estates, and prescribing rules for apportioning the fixed jumma on the several shares of estates which may be divided, or portions of estates which may be transferred; and for continuing the putwarries in the discharge of their ancient functions.*—PASSED *by the Governor General in Council on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

REGULATIONS I and II, 1795, contain the rules according to which the settlement of the land revenue in the province of Benares, made for one year, and the quartennial and decennial settlements were concluded. By the first mentioned Regulation, the decennial settlement, has been declared permanent, and for the information and guidance of the talookdars, zemindars, and other actual proprietors of land, and all persons whomsoever, the following further rules respecting the permanent settlement are enacted.

II. As the lands of some few zemindars, and other actual proprietors of land, may have been continued amauny, or let in farm, in consequence of their refusing to pay the assessment required of them, under the Regulations for the quartennial and decennial settlements; the Governor General in Council notifies to the talookdars, zemindars, and other actual proprietors of land, whose lands are held amauny, that

Jumma which may be hereafter agreed to by proprietors whose lands are held amauny, or let in farm, declared fixed for ever.

they

they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been or may be required of them, in conformity to the Regulations abovementioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be permitted to hold their respective estates at such assessment, for ever; and he declares to the talookdars, zemindars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed, (unless the farmers shall voluntarily consent to make over to them the remaining term of their leases, and the Governor General in Council shall approve of the transfer,) but that at the expiration of that period, or in the event of any such farmer, or farmers forfeiting his or their leases by falling in arrear, or otherwise, such proprietors of land shall be rein-stated, on their agreeing to the payment of the assessment which may be required of them, or, (according to the nature of the case,) to the conditions with respect to the arrear that may be due, as specified in clause first, section XVIII, Regulation VI, 1795, and no alteration shall afterwards be made in the said fixed annual assessment, but such proprietors of land, and their heirs, and lawful successors, shall be allowed to hold their respective estates at such assessment, for ever.

Jumma at which lands belonging to government may be transferred to individuals, declared fixed for ever.

III. In the event of the proprietary right in lands, that are or may become the property of government, being transferred to individuals; such individuals, and their heirs, and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred, for ever.

Proprietors expected to improve their estates, in consequence of the profits being secured to them.

IV. *First.* The Governor General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty, that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs, or successors, by the present, or any future government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.

Conduct to be observed by the proprietors of land towards their putteedars, under-renters, and ryots.

Second. To discharge the revenue at the stipulated periods, without delay or evasion, and to conduct themselves with good faith and moderation towards their putteedars, under-renters, and ryots, are duties at all times indispensably required by government from the proprietors from whom the revenue is immediately receivable; and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the aforesaid proprietors of land, will not only act in this manner themselves towards their putteedars, under-renters, and ryots, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them, in whatever instances there may be occasion for such delegation of trust.

Government to enact such Regulations as they may think necessary for the welfare of the putteedars, under-renters, ryots, and cultivators; and proprietors not to withhold the revenue on that account.

V. *First.* It being the duty of the ruling power to protect all classes of people, and more particularly those who from situation are most helpless, the Governor General in Council, whenever he may deem it proper, will enact such Regulations as he may think necessary for the protection and welfare of the putteedars, under-renters, ryots, and other cultivators of the soil, and no talookdar, zemindar, or other proprietor of land, shall be entitled on this account, to make any objection to the discharge of the fixed assessment, which they may have respectively agreed to pay.

All internal duties that may be hereafter established, to belong exclusively to government.

Second. The Governor General in Council having, on the 26th December 1787, directed the sayer collections to be abolished, and a subsequent settlement having been made with the proprietors of land, exclusive of the articles of collection given up by that abolition; he now declares, that if he shall hereafter think it proper to re-

establish

establish the sayer collection, or any other internal duties, and to appoint officers on the part of government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment, on that account.

Third. The Governor General in Council will impose such assessment as he may deem equitable, on all lands at present alienated, and paying no public revenue, which have been or may be proved, to be held under illegal or invalid titles. The assessment so imposed, will belong to government, and no proprietor of land will be entitled to any part of it. *(y)*

Jumma that may be assessed on alienated lands held under invalid titles, to belong exclusively to government.

Fourth. The jumma of those zemindars, talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, the produce of any lands set apart for the maintenance of pheris, passees, ghorites, or other description of watchmen, employed in services of police; and the Governor General in Council reserves to himself the option of resuming the whole or part of the produce of such lands, should he at any time hereafter think fit to exonerate the proprietors of the land from being responsible for the peace, and to appoint officers on the part of government, to perform the duties relating to the police now required from them. The Governor General in Council however declares, that the produce of lands which may in that case be assumed, will be appropriated to no other purpose but that of defraying the expense of the police, or providing a maintenance for the pheris, passees, ghorites, or other description of watchmen, employed therein.

Police lands eventually resumable by government.

Allowances that may be so resumed, not to be added to the jumma, but to be collected separately, and applied solely to the police.

Fifth. Nothing in this or any other Regulation, shall be construed to render the lands, of which there are dispossessed proprietors, liable to sale, for any arrears which have accrued, or may accrue, on the jumma that has been or may be assessed upon their lands, under the Regulations for the quartennial and decennial settlements, provided that such arrears have accrued, or may accrue, during the time that they have been, or may be, dispossessed of the management of their lands. It is to be understood however, that whenever all or any of the descriptions of dispossessed landholders, shall be permitted to assume or retain the management of their lands, in consequence of the ground of their dispossession no longer existing, or of the Governor General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors, will be held responsible for the payment of the jumma that has been or may be assessed upon them in perpetuity, from the time that the management may devolve upon them.

Estates of dispossessed proprietors, not liable to sale for arrears of assessment, accruing whilst they are deprived of the management of them.

VI. That no doubt may be entertained, whether proprietors of land are entitled under the existing Regulations, to dispose of their estates without the previous sanction of government, the Governor General in Council notifies to the talookdars, zemindars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary right in the whole, or any portion of their respective estates, without applying to government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the mahomedan or hindoo laws, (according as the religious persuasions of the party or parties making such transfer, may render the validity of it determinable by the former or the latter code,) and that they be not repugnant to any Regulations now in force, which have been passed by the british administrations, or to any Regulations that they may hereafter enact.

Proprietors declared privileged to transfer their lands, without the sanction of government.

Provided the transfer be conformable to law, and not contrary to any existing Regulation.

VII. From the limitation of the public demand upon the lands, the neat income, and consequently the value, (independent of increase of rent obtainable by improvements,) of any landed property, for the assessment on which a distinct engagement

Rules for apportioning the fixed jumma, on portions of estates, in the event of their being dispo-

(y) See an exception to this rule in R. 41, of 1795, S. 8.

has

sed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector, or other prescribed officers; and the jumma so adjusted, declared fixed for ever.

has been or may be entered into between government and the proprietor, or that may be separately assessed, although included in one engagement, with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable, by a comparison of the amount of the fixed jumma assessed upon it, (which agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred,) with the whole of its produce, allowing for the charges of management. But it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate, will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one or in two or more lots, or of its being joint property, and a division of it being made among the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma, with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands, would be but partially obtained. The Governor General in Council, has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases abovementioned; but as government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified, to be left to the proprietors, he requires that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the collector of the revenue, or such other officer as government may in future prescribe, in order that the fixed jumma assessed upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share, may be executed by the proprietors, and the Governor General in Council declares, that if the parties to such transfers or divisions, shall omit to notify them to the collector of the revenue of the province, or such other officers as may be hereafter prescribed, for the purposes beforementioned, the whole of such estate will be held responsible to government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. (z)

First. In the event of the whole of the lands of a zemindar, talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations abovementioned, being exposed to public sale by order of the Governor General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold, may bear to the whole of their actual produce. (a) This produce, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations, as the Governor General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be so purchased, for ever.

Second. When a portion of the lands of a talookdar, zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations beforementioned, shall be exposed to public sale by order of the

(z) See R. 19, of 1814, entitled, a Regulation for reducing into one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to government.

(a) See the explanation of the term "actual produce" in R. 1, of 1801, S. 8, (extended to Benares by the last section of that Regulation) which also contains rules for applying the same towards applying the general rule of proportion in allotting the public assessment on divisions of estates.

Governor

Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount, which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold, be disposed of in one lot, or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his or her, or their heirs, or successors, will be allowed to hold them at the jumma at which they may be so purchased, for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his, or her, or their possession, will continue unalterable, for ever.

Third. When a talookdar, zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof, to one person, or to two or more persons, in joint property, by private sale, gift, or otherwise; the assessment upon each distinct portion of such estate so transferred, shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs, and lawful successors, shall hold them at the jumma at which they may be transferred, for ever; and where only a portion of such estate shall be transferred, the amount of the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been or may be concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share, shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed jumma assessed upon the whole of the estate divided, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor General in Council may hereafter adopt, and the sharers, and their heirs, and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, for ever.

VIII. Nothing in this or any other Regulation, passed previous to, or on this date, shall be construed to authorize the public sale of the lands in any talookdarry, or zemindarry, whilst the party or parties, claiming the same as the ancient proprietors, continue to stand excluded under the limitation specified in section XII, Regulation II, 1795; or until by the operation of the repeal of that limitation under section III, Regulation I, 1795, or in pursuance of the consequent provision in section XVIII, Regulation VI, 1795, or some other consonant rule, made, or that shall hereafter be made, in consequence of the said repeal, such party or parties, shall have been re-

Lands of ancient proprietors standing dispossessed under section XII, Regulation II, 1795, not to be liable to be disposed of at public sale.

stored to the management of the revenue of his or their respective talookdarries, or zemindarries.

Rules regarding putwarries.

IX. *First.* The annual revenue to be paid to government from the estates of the proprietors of land, with whom a settlement has been or may be concluded, having been declared fixed for ever; and courts of justice having been established, with powers to protect them against all demands exceeding that fixed revenue, whether made by the officers of government, or other persons, or by the authority of government itself; and on the other hand, the grounds on which deductions and abatements were heretofore occasionally obtained by proprietors of estates, when their jumma was liable to frequent variation, no longer existing; neither their rights, nor the value of their property, can be affected in future, by the real produce of their estates being known. The rules therefore hereafter prescribed regarding putwarries, which are framed solely to facilitate the decision of suits in the courts of judicature, between proprietors and farmers of lands, and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of government, or injustice to individuals, by enabling the collectors to procure the necessary information and accounts, for allotting the public jumma upon estates that may be divided, agreeably to the principles prescribed in this Regulation, can be objected to by those proprietors only, who may have it in contemplation, in the event of the division or transfer of a portion of their estates, to deprive government of a part of the fixed revenue, or defraud some of the partners in their estates, by obtaining a disproportionate allotment of the public assessment on the several shares, or to oppress the persons paying rent or revenue to them with impunity, by withholding from the courts of justice the documents necessary to enable them to afford redress to the complainants. It being essential to the security of the public revenue, as well as of private rights and property, and at the same time consistent with the ancient usages of the country, that means should be devised for counteracting all or any of such unjustifiable views either in proprietors or farmers, the following rules have been adopted. (b)

Proprietors and farmers, to appoint a putwarry, to keep the accounts in each village.

Second. Every proprietor or farmer of land, who may not have established a putwarry in each village in his or her estate or farm, to keep the accounts of the ryots, shall immediately appoint a putwarry in each village for that purpose. All proprietors or farmers of estates, are to deposit in the dewanny adawlut, in the jurisdiction of which the land may be situated, the collector's cutcherry, and the principal cutcherry in each mahaul or purgunnah, a list of the putwarries in their respective estates or farms, and the names of the villages, the accounts of which they may be severally appointed to keep. The proprietors and farmers, are to notify every three months to the court, and the collector, all vacancies that may occur, and the names of the persons whom they may appoint to fill them. The Board of Revenue, (c) are empowered to authorize any proprietor or farmer to reduce the number of putwarries, in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate putwarry for each village.

Board of Revenue may authorize proprietors and farmers to reduce the number of putwarries.

Putwarries to produce all accounts required by the courts of judicature.

Third. The putwarries in every estate, are to produce all accounts relating to the lands, produce, collections and charges, of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be demanded by any court of justice, to adjust any suit that may be depending before the court, between the proprietor or farmer of the estate, and the ryots, or any persons, paying rent or revenue to them, or any other suit. (d)

(b) See explanations and further rules in R. 5, of 1800, S. 25, and R. 1, of 1801, S. 3, which last has been extended to Benares by section 15 of the same Regulation.

(c) The duties, powers, and authority of this Board in the province of Benares, have been transferred to the commissioner in Behar and Benares, by R. 1, of 1816.

(d) This clause, and clauses fourth, fifth, sixth, and seventh following, are equally applicable to all descriptions of native agents employed by landholders in the management of their estates, or in keeping the accounts of their rents, receipts, disbursements, &c. as to putwarries. See R. 1, of 1801, S. 8, extended to Benares by the [illegible] of the same Regulation.

Fourth.

Fourth. The putwarries in each estate, shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue, agreeably to the principles laid down in this Regulation, in the event of the whole or any portion of the estate being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or, where it may be a joint estate, in consequence of the request of one or more of the proprietors. But the collector is not to require a putwarry to attend him and produce his accounts, but for the purposes abovementioned, or in any other cases in which he may be expressly empowered to require them, by any Regulation, printed and published in the manner directed in Regulation XLI, 1793, extended to Benares by Regulation I, 1795; and, if the collector shall require the putwarry of any village or villages, to attend him and produce the village accounts for purposes, or, in cases, in which he may not be authorized to inspect them, the court of dewanny adawlut, upon the circumstances being represented to it by the proprietor or farmer of the estate, is empowered to make an order to prohibit the collector requiring the accounts, and in the event of his repeating the requisition, to adjudge him to pay a fine to the proprietor or farmer of the estate, of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the collectors, in the suits described in section XXXIX, Regulation VI, 1795.

An also for the allotment of the public revenue in the cases herein specified when required by the collectors.

Cases in which the collector is prohibited requiring accounts from putwarries,

And

Penalty for breach of the prohibition.

Fifth. When a collector shall require the attendance of a putwarry for the examination of his accounts, either before him, or any officer whom he may depute for the purpose, he is to serve such putwarry with a written notice, under his official seal and signature, to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limitted time, and shall not show good cause to the collector for the omission, the collector is authorized to represent the circumstances, through the vakeel of government, to the court of dewanny adawlut of the zillah, the judge of which, provided their shall appear to him sufficient cause for so doing, may order such putwarry to be committed to close custody until he produces the accounts. The courts are to observe the same process with putwarries who may omit to attend with their accounts, when required for the adjustment of any matter or dispute before the courts.

How the collector and the courts, are to compel the attendance of putwarries.

Sixth. Putwarries shall be required to swear to the truth of the accounts they may produce, when deemed necessary, and in the event of the collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the judge, upon application being made to him for that purpose by the collector, through the vakeel of government, may grant to him or to such officer, a commission to swear the several putwarries whose accounts are to be inspected, inserting in the commission the name of each putwarry to be sworn. If the collector shall have occasion to examine the accounts of a putwarry, at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.

Putwarries shall be required to swear to the truth of their accounts.

Seventh. If a putwarry who shall have sworn to the truth of any account, that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated, or altered, or not to be the true accounts, the judge of the court is empowered to commit him to be tried for perjury before the court of circuit.

Putwarries liable to be prosecuted criminally for swearing to false accounts in a court of judicature.

Eighth. If a putwarry shall have been sworn before a judge, or before a collector, or the officer of a collector, to any accounts that he may have been required to produce before the collector, or his officer, in a case in which the collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated, or altered, or not to be the true accounts, the collector

Or, before the collector, or his officer.

Punishment for proprietors or farmers concerned in falsifying the accounts.

is empowered to employ the vakeel of government to prosecute such putwarry for perjury. In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court, that the accounts were fabricated, altered, or changed, by the orders, or with the knowledge or connivance, of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case, and the situation and circumstances of the offender. (e)

How proprietors or farmers omitting to appoint putwarries, are to be proceeded against.

Ninth. Upon the accounts of any village being ordered to be produced, if it shall be found that no putwarry has been appointed to keep the accounts of the ryots, in conformity to the rules prescribed in clause second; the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor or farmer for the first offence, in such sum as it may judge proper, upon a consideration of his or her situation and circumstances, and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third, and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the collector, he is to order the vakeel of government, to sue the proprietor or farmer on the part of government under this section, for a breach of the rule in clause second.

Definition of the term proprietor or actual proprietor of land.

X. For the sake of precision, it is hereby declared, that wherever the term proprietor, or actual proprietor of any talook, zemindarry, village, or other land paying revenue to government, is or may be used, in this or any other Regulation extending to the province of Benares, and printed and published in the manner prescribed in Regulation XLI, 1793, such term is to be considered as applying to the person or persons holding under each separate lease or pottah from government, (whether he or they possess the entire proprietary right in such lands, or shall be only the principal amongst other putteedars, distinct or common,) whose name or names standing inserted in such pottahs, and who having executed the counterpart cubbooleuts, has or have thereby become immediately responsible to government, as well for the payment of the revenue, as for the performance of the other stipulations and conditions contained in the quartennial and decennial deeds of settlement, without however affecting or prejudicing the rights, distinct or common, of any putteedars or sharers where any such shall exist, and which, in case of dispute with the pottahdars or holders of the pottahs, are to be determined by the courts of adawlut, according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs and usages of the district, as referred to in Regulation II, 1795, as far as regards the parties in question.

(e) See further rules in R. 1, of 1801, S. 8, (extended to Benares by the last section of that Regulation) for the punishment of native agents employed by the landholders in the management of their estates, who may be guilty of falsifying or fabricating accounts.

REGULATION XXVIII.

A. D. 1795. REGULATION XXVIII.

A REGULATION *for extending to the province of Benares, Regulation* XXXVI, 1793, *entitled* A Regulation for establishing a registry for wills and deeds, for the transfer or mortgage of real property.—PASSED *by the Governor General in Council, on the 27th March,* 1795*; corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fusly; the* 16*th Chyte* 1202 *Willaity, the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

IT being necessary, for reasons similar to those stated in the preamble to Regulation XXXVI, 1793, for establishing offices for registering wills and deeds, for the transfer or mortgage of real property, in the provinces of Bengal, Behar, and Orissa, that offices for the registry of such wills and deeds should be established also in the province of Benares, the following rule has been enacted.

Regulation XXXVI, 1793, extended to the province of Benares.

II. An office shall be established in the city of Benares, and in the zillahs of Mirzapore, *Ghazeepore,* (*f*) and Juanpore, for the registry of wills and deeds, for the transfer or mortgage of real property, under the rules prescribed in Regulation XXXVI, 1793, for establishing similar offices in the cities and zillahs in the provinces of Bengal, Behar, and Orissa.

A. D 1795. REGULATION XXIX.

A REGULATION *for extending to the province of Benares, Regulation* XX, 1793, *entitled* A Regulation for empowering the zillah and city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding matters coming within their cognizance.—PASSED *by the Governor General in Council, on the 27th March,* 1795*, corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fusly; the* 16*th Chyte* 1202 *Willaity, the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

IT being necessary, for reasons similar to those stated in the preamble to Regulation XX, 1793, that the judges of the courts of civil and criminal judicature, and the magistrates, in the province of Benares, should have the same power of proposing Regulations, as is vested in the judges and magistrates, in the provinces of Bengal, Behar, and Orissa, the following rule has been enacted.

Regulation XX, 1793, extended to Benares.

II. Regulation XX, 1793, is hereby extended to the province of Benares.

(*f*) This zillah has been done away, as appears from R. [illegible] of 1807, S. 10. C. 2

M M REGULATION XXX.

A. D. 1795. REGULATION XXX.

A REGULATION *for extending to the province of Benares, Regulation* XXI, 1793, *entitled,* A Regulation for establishing in each zillah, an office for keeping the records in the native languages which relate to the public revenue, and prescribing rules for the conduct of the keepers of the records.—PASSED *by the Governor General in Council, on the 27th March* 1795*; corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fusly; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

ON grounds similar to those stated in Regulation XXI, 1793, for establishing an office in each collectorship in the provinces of Bengal, Behar, and Orissa, for keeping the records in the native languages which relate to the public revenue, the following rule has been enacted.

Regulation XXI, 1793, extended to the province of Benares.

II. An office shall be established in the province of Benares, for keeping all records and papers in the native languages, which in any respect relate to the public revenue arising from the lands, or other sources, in the jurisdictions of the city court, and the zillah courts, under the rules prescribed in Regulation XXI, 1793.

A. D 1795. REGULATION XXXI. (g)

A REGULATION *for extending to the province of Benares, with modifications, Regulation* XL, 1793, *entitled,* A Regulation for granting commissions to natives, to hear and decide civil suits for sums of money, or personal property of a value, not exceeding fifty sicca rupees, and prescribing rules for the trial of the suits, and enforcing the decisions which may be passed upon them.—PASSED *by the Governor General in Council on the* 27*th March,* 1795*; corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fusly; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

THE Governor General in Council, having deemed it advisable to grant commissions to natives in the province of Benares, for determining civil suits for sums of money or personal property, not exceeding in amount or value fifty sicca rupees, for reasons similar to those which induced him to grant such commissions to natives in the provinces of Bengal, Behar, and Orissa, as stated in the preamble to Regulation XL, 1793; and it being necessary, in consequence of certain districts, which surround the city of Benares and its suburbs, having been included in the jurisdiction of the city court, that rules should be prescribed for enabling the commissioners who may reside in those districts, to officiate as moonsifs; and the difference in the system of police in the province of Benares, from that established in the provinces of Bengal, Behar, and Orissa,

(g) Rescinded by R. 23, of 1814, S. 2.

requiring

requiring that separate provisions should be made for the conveyance of the monthly and quarterly reports of the commissioners to the judges; and it being necessary that some variation should be made in the form of the commissions to be granted to the commissioners in the province of Benares; the following rules have been enacted.

Regulation XL, 1793, extended to Benares, with modifications.

II. Commissions shall be granted to mahomedans and hindoos, in the city of Benares, and the places adjacent, subject to the jurisdiction of the city court, and in the zillahs of Mirzapore, Ghazeepore, and Juanpore, to try and determine suits for sums of money or personal property, not exceeding in amount or value, fifty sicca rupees, under the rules prescribed in Regulation XL, 1793, respecting the city and zillah commissioners in the provinces of Bengal, Behar, and Orissa, with the modifications specified in the following sections.

All the commissioners in the city jurisdiction, to be considered as city commissioners.

Commissioners residing out of the city of Benares, and its suburbs, may be appointed moonsifs.

III. All the commissioners in the jurisdiction of the city court, whether residing within or without the city of Benares and is suburbs, shall be considered as city commissioners, but the judge of the city court, with the sanction of the Sudder Dewanny Adawlut, is empowered to nominate the commissioners residing in that part of his jurisdiction, which is without the limits of the city of Benares, and its suburbs, to officiate as moonsifs, as well as referees and arbitrators, in cases in which it may appear to him necessary.

By what conveyance the commissioners in the province of Benares, are to transmit their monthly and quarterly reports.

IV. In lieu of the provisions made in section XVIII, for the conveyance of the monthly and quarterly reports of the commissioners to the judges, those reports, in the province of Benares, are to be enclosed in a cover, addressed to the judge of the city or zillah, and sealed with the seal of the commissioner. The packet shall be forwarded to the judge, either by the public dawk, the officers of which are hereby required to receive and convey such packets free of postage, or by a servant of the commissioner, or the commissioner, (if he be not himself a tehseeldar,) may deliver it to the nearest tehseeldar, who shall give a receipt for it, and convey it to the judge, with the monthly report which he is required to transmit to him in his capacity of magistrate by Regulation XVII, 1795.

Form of the commission to be granted to the commissioners.

First. The following form of commission, is to be granted to the commissioners in the province of Benares, instead of that prescribed for the commissioners in the provinces of Bengal, Behar, and Orissa, in section VI.

Form.

Second. "I, A. B. judge of the dewanny adawlut of the city of Benares, or the zillah of————in virtue of the powers vested in me by Regulation XL, 1793, and Regulation XXXI, 1795, appoint you————————commissioner, with the powers of referee, (aumeen), and arbitrator, (salis,) and (if the commissioner be appointed moonsif also,) moonsif, for trying and deciding suits for sums of money, or personal property of a value, not exceeding fifty sicca rupees, which may be referred to you by the court in your capacity of referee, (aumeen,) or that may be submitted to you by the parties by arbitration bonds, in your capacity of arbitrator, (salis,) or, (if the commissioner be a moonsif also) that may be preferred to you in the first instance, in your capacity of moonsif, against any individual coming within the description of the persons subject to your jurisdiction as described in clause sixth, section V, Regulation XL, 1793, and residing in your estate, farm, jaghire, altumgah, or other lands, the rents and revenues of which are collected by you. You are to fix up this commission in the room or place, in which you may try and decide the suits that may come before you, in either of the capacities abovementioned, and are not on any account to try or decide any suit without so fixing up this commission, or a counterpart or copy of it, under the seal and signature of the judge of the city of Benares, or the zillah of————. You are to try and decide all such suits, and to exercise the authority vested in you, agreeably to the rules prescribed in Regulation XL, 1793, and Regulation XXXI, 1795, or such other Regulations for your guidance, as have been or may be passed by the Governor General in Council, and printed and

published.

published as prescribed in Regulation XLI, 1793. You are to exercise the powers of commissioner herein vested in you, (if the commissioner be a cauzy,) so long only as you may hold the office of cauzy of———, or, (if the commissioner be a proprietor of land), so long as you may be the proprietor of the estate of———, and pay the revenue assessed thereon to government, or, (if the commissioner be a farmer of land holding a farm immediately of government,) so long only as you may hold the farm of———, or, (if the commissioner be a tehseeldar, or sezawul, or the manager of the estate of a disqualified landholder,) so long only as you may hold the office of tehseeldar, or manager of———, or, (if the commissioner be an under farmer, or an officer, intrusted with the collection of the rents and revenues of any estate or land,) so long only as you may hold the farm or employment of———, or, (if the commissioner be an altumgahdar, jaghiredar, or a person vested with the management of an altumgah, or jaghire,) so long as you may hold the altumgah, or jaghire, or be intrusted with the management of the altumgah or jaghire of———."

A. D. 1795. REGULATION XXXII. (h)

A REGULATION *for enacting into a Regulation, the terms of the contract concluded for the provision of opium on account of government in the province of Benares, from the 1st September 1793, to the 31st August 1797, and for preventing illicit trade in that article.*—PASSED *by the Governor General in Council on the 27th March* 1795, *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

IN adjusting the terms of the contract for the provision of opium in the province of Benares, it was the object of government, as in settling the terms of the contracts in the provinces of Bengal, Behar, and Orissa, to prevent this source of public revenue operating as an oppression on the ryots, by depriving the contractors of the power of compelling any person to cultivate the poppy, and by ensuring to those who might voluntarily enter into engagements for that purpose, the full price of the quantity of opium which they might deliver. It was at the same time necessary, that provisions should be made to guard against the contractors being defrauded by the cultivators, and also for preventing illicit traffic in opium, the terms of the contract as [illegible] on the 26th April 1793, and the provisions above alluded to, are hereby enacted into a Regulation.

Conditions of the contract.

[illegible] *First.* The contract for the provision of the opium in Benares, is to be held under the following conditions.

Governor General in Council, at liberty to annul the contract if it should be disapproved by the Court of Directors.

Second. Art. 1st. In the event of the Court of Directors disapproving of the terms of the contract, or making any alteration in the mode of providing the opium in Benares, or relinquishing the provision of the same altogether, the Governor General in Council, is to be at liberty to annul the engagements which may be entered into in consequence of this advertisement, from the end of the year or season (that is the 31st of August) in which the orders notifying such disapproval, alteration, or relinquishment, shall be received in Bengal.

Four years the terms of contract.

Third. 2d. The contract is to be for four years, commencing from the 1st of September 1793.

(h) This Regulation is not in force, although not [illegible]. See R. 13, of 1816, entitled a Regulation for reducing into one Regulation, with alterations and [illegible], the rules at present in force respecting the manufacture and sale of opium

Fourth

Fourth. 3d. The contractor, or contractors, shall engage to deliver annually, six hundred chests of opium of two maunds each, each maund containing forty seers, and each seer weighing seventy six Benares sicca rupees, and four annas. The contractors are to receive for every chest of opium of the abovementioned weight, which shall be delivered by them over and above the stipulated quantity, the sum of fifty sicca rupees per chest, in addition to the contract price.

Quantity of opium to be annually delivered by the contractors.

Contractors to receive fifty rupees extra for each chest delivered above the stipulated quantity.

Fifth. 4th. The contract is to be concluded for Benares sicca rupees, and the advances to the contractors, are to be made in that specie, and no other specie is to be advanced by them to the ryots. The advances are to be made to the contractors in the following portions, and at the undermentioned periods:

Contract to be for Benares sicca rupees.

Periods at which the advances to the contractors are to be made, and in what proportion.

In Assar, ...	2 sixteenths
Sawun, ...	3 ditto.
Bhaudoon, ...	3 ditto.
Assun, ...	3 ditto.
Cautic, ...	3 ditto.
Aughun, ...	2 ditto.
	16 ditto.

Sixth. 5th. The opium to be delivered in the first year of the engagement, is to be equal in quality to a chest of approved Benares opium, delivered in the last year of the preceding contract: that of the second year, is to be equal to approved Benares opium of the first; and a corresponding rule is to be observed with respect to the deliveries in the two years succeeding. Three chests of approved Benares opium, of the years from the supplies of which the musters are to be taken, will be deposited at the office of the Board of Trade, as a standard for ascertaining the quality of the opium delivered. The deliveries shall be compared with the musters by one of the members of the hospital board, and a person appointed by the Board of Trade, and any disputes that may arise between the officers of government, and the contractors, regarding the quality of the opium, are to be determined by three creditable persons to be appointed by government, who shall be bound by oath to decide impartially.

Quality of the opium and the standard for determining it.

By whom the deliveries are to be compared with the musters,

And disputes regarding the quality of the opium decided.

Seventh. 6th. The contractors are to pay to the Company, a penalty of three hundred sicca rupees per chest, for every chest of opium short of the stipulated quantity, of which they shall fail in the delivery, and to refund the amount of the advances made to them for the provision of the quantity deficient. Should either the whole, or any part of such deficiency, be occasioned by hail storms, hurricanes, or any other calamity of season affecting the crop, the contractors are not to be subject to the payment of the abovementioned penalty, for such part of the quantity deficient as they may prove, to the satisfaction of the resident, or the local agent of government for the time being, and the Governor General in Council, to have been occasioned by such calamity; but they shall only refund the amount of the advances, with an interest of eight per cent per annum, for the time they may have had the use of it. The contractors, within five days after such calamity shall have occurred, are to represent the same to the resident, in order that he may take the necessary measures for ascertaining the loss occasioned thereby, as directed in clause fourteenth, article thirteenth; should the contractors fail to inform the resident of such calamity within the period abovementioned, no remission of the penalty will be allowed to them, for deficiencies occasioned thereby in their deliveries.

Penalty to be paid by the contractors for short deliveries.

Advances for the quantity deficient to be refunded with interest.

Contractors to pay no penalty on deficiencies proved to have been occasioned by damages done to the crops by calamities of season, but only to refund the advances with interest.

Period within which notice is to be given in such instances by the contractors.

Eighth. 7th. The contractors are to deliver to the Company, or their agents, all the opium which they may be able to provide, and to pay a penalty of seven hundred and fifty sicca rupees per chest, for every chest of opium that they may sell, barter, or otherwise dispose of, to any other person or persons whomsoever.

Contractors to deliver to government all the opium they may provide.

Penalty

 Ninth.

Where the contractors are to deliver the opium. Risk of transportation.

Ninth. *8th.* The opium is to be delivered by the contractors at the office of the Board of Trade in Calcutta. The charges of package and manufacture, and the charges and risk of transportation, and delivery, are to be on account of the contractors.

Duties to be paid by the contractors on the imports and exports of opium.

Tenth. *9th.* The contractors are to pay to the Rajah of Benares, a duty of two and a half per cent on all opium that they may import from the dominions of the Nawaub Vizier, on the valuation that may be specified in His Excellency's rowannah, and a duty of two and a half per cent to the Company, on the valuation inserted in the Benares rowannah, (which will be the same as that specified in the rowannah granted by the officers of the Nawaub Vizier,) upon its entering the Company's provinces. Upon all opium provided within the zemindarry of Benares, the contractor, upon the exportation thereof, is to pay to the Rajah a duty of two and a half per cent on the valuation specified in the Benares book of rates, and a duty of two and a half per cent on the same valuation to the Company, upon its entering the province of Behar.

Contractors for the opium in Benares, not to provide any opium the produce of Bengal and Behar. Penalty.

Eleventh. *10th.* The contractors are not to import, or provide, any opium the produce of Behar, or Bengal, under pain of the same being confiscated.

Price to be paid by the contractors for the opium. Ryots to have the option of cultivating the poppy or not, as they may think proper.

Twelfth. *11th.* The contractors are to pay to the ryots, two Benares sicca rupees, and eight annas, for each seer of pure opium, weighing ninety-six Benares sicca rupees, and to advance the same to them at the customary periods. It must however be clearly and particularly understood, that the ryots are to have it entirely at their option, to cultivate the poppy or not, as they may think proper. The contractors are to be allowed to take from the ryots, exclusive of the above weight, a surplus of one chittack per seer, making two and a half seers per maund, as an allowance for the drying up, and wastage of the crude material, before it is made into cakes. This allowance however, is not to be exacted by the contractors until the end of the year, or towards the ultimate settlement of accounts.

Surplus that may be taken from the ryots by the contractors, in consideration of the crude state of the opium at the time of its delivery.

Engagements which the contractors may enter into with the ryots.

How the produce to be delivered by the ryots, is to be ascertained.

Thirteenth. *12th.* The contractors, or their agents, at the season for sowing the poppy, are to be allowed to take engagements from the cultivator, for the specific number of begahs to be cultivated only; but not for the specific quantity of opium to be produced in those begahs. When the poppy shall be full grown, the contractors are then to depute their agent, who with the cultivator, shall proceed into the field, and with the assistance of two or three other creditable cultivators, form the estimate of what such field is to produce; whereupon the grower shall enter into an engagement to deliver so much, and should the field produce more, to deliver that also, pro rato.

How losses in the produce are to be inquired into.

Fourteenth. *13th.* In the event of the crops being injured by hail, or any other calamity of season, either previous or subsequent to the period when the estimate of the produce directed to be formed in the preceding article, shall have been completed, the resident, or the local agent of government for the time being, is upon application being made to him by the contractors (within five days after such calamity shall have happened,) to depute an aumeen to ascertain, in conjunction with the agents of the contractors and the ryots, the actual extent of the loss occasioned thereby. The charges of aumeens so deputed, are to be defrayed by the contractors.

At the expense of the contractors.

How the ryots deliveries to the contractors are to be weighed.

Weights to be marked and penalty against using others.

Fifteenth. *14th.* The scales and weights made use of by the contractors, or their agents, in weighing the opium received from the ryots, are to be sealed with the seal of the resident, or the local agent of government for the time being, and examined annually by him, or by such person as he may think proper to appoint for that purpose, during the course of the month of January. The contractors, or their agents, making use of weights or scales not so sealed, or of uneven scales, or deficient weights, although sealed, are to be liable to such fine as the resident, or the local agent of government for the time being, may think proper to impose. In weighing the opium, the scales are not to be held up in the hands of the dundeedars, or native weighmen, but

but the opium is to be weighed in the presence of both parties, in the mode known under the denomination of dherm dundee, (or fair and consciencious weighing,) by the scales being poized on a wooden stand, fixed in the earth.

Sixteenth. 15*th.* In the event of the cultivator failing to deliver in the full quantity of opium agreed for by him, in the manner specified in clause thirteenth, article twelfth: the following consequences are to ensue.

Stipulations concerning ryots who may not deliver the full amount of opium agreed for.

Seventeenth. If such failure be occasioned by no fault on his part, he is only to refund the proportional part of the advances received by him, with interest at the rate of eight per cent per annum, for the time he had the use of it, and without any mulct, penalty, or fee whatsoever.

In case of the short delivery not proceeding from the fault of the ryot.

Eighteenth. If the contractors suspect or believe the cause of failure, to be in the wilful neglect or embezzlement of the ryot, they are to complain to the judicial power, that is to the adawluts, or directly to the resident, and upon proof of its being owing to neglect, the judge or resident is to award, that the ryot shall restore the proportional advance, with interest at the rate of twelve per cent per annum; and if from embezzlement, or otherwise disposing of it, the resident or judge is to punish such offence, by imposing a fine of four sicca rupees per seer, and confiscating the opium, if it can be seized, and where it cannot be seized, by inposing a fine of ten sicca rupees per seer, to be levied by the mode of process laid down in the judicial regulations for the enforcement of decrees.

In case of [illegible] delivery proceeding [illegible] the fault of the ryot.

Nineteenth. The ryot is to be liable to no penalty for breach of contract, (unless in the case of embezzlement,) where it shall not appear and be proved, that he had in his hands, at the period of the failure, unliquidated advances from the contractors; but where he wilfully embezzles the crude material, by selling it to others, although without having at such time any advances of the contractors in his hands, the contractors are to complain against him to the resident, or the court of adawlut of the district in which such person shall reside, and the resident or judge shall punish such offence in the mode pointed out in clause eighteenth.

Exceptions and qualifications, in respect to the ryots having at the time unliquidated advances from the contractors.

Twentieth. Where the ryot mixes water with the crude material, with a view to increase the weight of it, and brings it in that state to be delivered, the contractors, or their agents, shall appoint two or more head and creditable opium growers, to decide on their dherm or conscience, what surplus quantity shall be taken for such increase of weight by the undue admixture of water, and the parties shall abide by their award, unless it shall be proved to the satisfaction of the resident or judge, that the arbitrators have been guilty of partiality.

Penalty and mode of determining in respect to cases where the ryots may mix water with the crude material, in the view of unfairly increasing its weight,

Twenty-first. Where the crude material shall be delivered in by the growers in an adulterated state, by the admixture of foreign ingredients, (exclusive of the water noticed in the preceding article,) the contractors are immediately to seize on, and declare the same confiscated, sealing it up at the same time in the ryots presence, and under his mark, depositing it also in a secure and separate place, and leaving the ryot to have recourse against him to the judicial power; for which purpose, they are to keep the said opium thus sealed up for three weeks, and if in that time the ryot lodge not his complaint, it shall not be afterwards heard, but the contractors may then open the said opium, and sell it for their own advantage for local consumption, they being liable however to such fine as government may think proper to impose, should it ever be proved that they had made up any part of such adulterated and condemned opium, in that which they were to deliver to the Company.

Or by adulterating it, by the admixture of other substances.

Twenty-second. The contractors, or their agents, officers, and servants, of every description, are positively prohibited from collecting any fee, premium, aret, or dustoor, on their engagements with the queyrees or opium ryots, on pain of paying three times the amount of all such exactions, or receipts, together with the complainants costs of suit, to be estimated by the judge, on proof before the court, which fine is to

Prohibition and penalty in case of the contractors or their agent, levying or receiving, any premium, aret, or dustoor, from the queyrees or opium ryots.

be

be levied by the courts, not from the native receivers, but from the contractors, or from their chief agent on the spot, leaving them to settle with their inferior agents thus offending; and the whole amount of this penalty, together with the costs of suit as above specified, are to be awarded by the judge to the party from whom the exaction was made.

Course in which causes cognizable by the courts of Justice under this Regulation, are to be tried according to the rules in force during the existence, and since the abolition of, the general office of resident.

Twenty-third. The contractors are to be amenable to the courts of justice, in all matters relating to their contract. The contractors or their agents, and the opium cultivators, during the existence of the late office of resident, had the option of lodging their complaints in the first instance before the native judges of the mofussil courts, or immediately before the resident, and complaints preferred in the native courts, were appealable to the resident, and complaints lodged before the resident, were appealable to the Governor General in Council, provided the amount of the suit was not less than the sum limitted by the Regulations respecting appeals. But from the period of the abolition of the office of resident, (in which were united the authorities of collector of the revenue, and of judge of the court of appeal from the native judicatures then established,) the contractors and ryots, are to make their applications in the manner prescribed by the Regulations for the administration of justice in the province of Benares.

Penalty enacted against Europeans acting contrary to this Regulation, in illicitly manufacturing or buying opium.

III. All british subjects, detected in acting contrary to the Regulations of government, limitting the provision and manufacture of opium to the public contractors, upon proof of the offence, shall forfeit the Company's protection, and be sent to Europe; and any native guilty of the same offence, upon proof thereof being established in any of the courts of dewanny adawlut, shall be subject to a fine of three hundred and twenty-five Benares sicca rupees per maund, for every maund of opium which he may be convicted of having illegally provided, one half to be paid to the informer, and the other half to government.

Penalties against natives for similarly offending.

IV. All persons not European british subjects, who may be proved to have purchased smuggled opium, or in whose possession smuggled opium may be found, shall be liable to the same fines as are imposed on ryots, selling, or embezzling opium; viz. four sicca rupees per seer, in addition to the confiscation of the opium, when it can be seized, and when it cannot be seized, ten sicca rupees per seer, recoverable in the dewanny adawlut by the process laid down in the judical Regulations. Such fines, as well as the neat proceeds of the opium confiscated, are to be paid, half to the informer, and half to government; and all zemindars, talookdars, or other landholders, (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the fines abovementioned,) shall be liable to the like penalty of ten sicca rupees per seer, recoverable and payable as aforesaid, for all smuggled opium, which may be proved to have been sold within the limits of their lands, with their connivance, or knowledge.

REGULATION XXXIII.

A. D. 1795. REGULATION XXXIII.

A REGULATION *for enacting into a Regulation, the rules passed relative to the cultivation and manufacture of indigo, on behalf of, or by, natural born british subjects, and other europeans, having the permission of government to reside in the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fusly; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

IT has long been an established rule, that no european shall hold lands in the interior parts of the country without the express permission of government; and an adherence to this rule, was considered particularly necessary in the province of Benares, where the reasons on which it is founded, apply with additional force. Accordingly, when government were first informed that the two first projectors of works for the manufacture of indigo in that province, had, for the purpose of facilitating the raising of the plant, farmed one or more talooks, the resident was immediately directed to dispossess them of such farm or farms; but in consideration of the heavy expense which they had incurred, and as it was presumed that the extension and cultivation of indigo, under proper regulations, might prove beneficial to the country at large, they were permitted in the beginning of 1790, to continue their manufacture, and to make advances to such ryots as might be willing to cultivate, and furnish them with the indigo plant, as well as to hold land upon pottah from the zemindars and farmers, in the same manner as other ryots, for the purpose of cultivating the plant themselves. This special permission granted in consideration of the peculiar circumstances of these two manufacturers, and who had also entered on the business with the permission of government, was afterwards, erroneously construed as extending to all europeans who might undertake the cultivation or manufacture of indigo in the province of Benares. Accordingly, between the last mentioned period, and the beginning of the year 1791, sundry other british subjects, obtained and held grounds for the cultivation of indigo, without the knowledge or sanction of government. The inconveniencies and evils which arose in consequence, at length attracted the attention of government, and on the 7th of March 1794, the Governor General in Council ordered, that europeans should not be allowed to acquire any landed property in Benares, exceeding what might be sufficient for the erection of houses or buildings for carrying on manufactures, nor be competent to hold a greater extent of land upon lease, than might be sufficient for the same purposes. This order affecting materially the interests of the indigo planters who had established themselves in the province without the sanction of government, they presented a memorial to the Governor General in Council, setting forth the circumstances of their situation. Although the leases which they had procured for ground for the cultivation of the indigo plant, from having been obtained without the permission and sanction of government, were liable to immediate resumption, the Governor General in Council, on the supposition that many of these individuals, from not being prohibited in the first instance from holding the lands, might have been induced to believe that they were not deviating from public Regulations; and adverting also to the heavy loss which they might have sustained, had they been compelled to relinquish the lands immediately; resolved on the 23d of May 1794, to allow them the term hereafter specified for reaping the full benefit of any lands that they might have actually sown with indigo, and for enabling them to make the necessary arrangements with

with the ryots or other individuals to furnish them with the weed, in the same manner as it is procured by the planters in Bengal. These rules, with the subsequent additions made to them, are now enacted into a Regulation. (i)

Prohibition of further leases of land to europeans.

II. Conformably to the restrictions alluded to in the preamble to this Regulation, on the 20th March 1794, a circular order was issued to the aumils forbidding any more ground to be leased to natural born british subjects, or to other europeans, or conveyed to them by sale, or otherwise, without the sanction of government to be first had and obtained; and (lest the natives should misconstrue, and any of them make an improper use of, this Regulation,) it was at the same time ordered, that the europeans were not to be dispossessed of what ground they now occupied without the resident's sanction, and to enable him to pass his determination in all such cases, an account was ordered to be prepared of all such lands in the occupancy of europeans.

Prohibition against receiving the public revenue through europeans.

III. On the 22d of March 1795, the resident notified to all the aumils by a circular order, that as it was contrary to the intentions of government that any part of the public revenue should be paid, (excepting in aumany villages) through medium of any europeans, either for the ground in which they cultivated the indigo, or on any other account, they (the aumils) were prohibited from receiving the revenue through any other channel than that of the native zemindars, or farmers, holding pottahs from government, leaving it to them to settle with those who were indigo planters, according to the existing engagements between the parties.

IV. *First.* On the grounds set forth in the preamble to this Regulation, and with a view to obviate or provide aginst the numerous complaints which the planting and manufacturing of indigo by british subjects had occasioned; the rules contained in the following clauses were passed by government on the 23d of May, and 4th of July 1794.

Leases of land to european indigo planters of a date not subsequent to the 20th of March 1794, to be allowed to remain in force until the expiration of the period of the decennial settlement.

Second. Art. 1st. "That all existing leases of lands for the purpose of cultivating indigo, actually and *bona fide* obtained before the 20th of March 1794, by any european, be allowed to remain in force, until they expire, provided the term of them shall not extend beyond the period of the decennial settlement."

All leases of a subsequent date declared invalid.

Third. Art. 2d. "That all leases obtained directly or indirectly by europeans, either in their own names, or those of others, since the 20th day of March 1794, be declared null and void, and that the lessees be immediately dispossessed."

Penalty enacted in prohibition of such posterior leases.

Fourth. Art. 3d. "That in future, no new leases for lands shall be entered into, directly or indirectly, by any europeans: and that any such leases shall be void, and the lessee, not only be dispossessed, but be liable to be ordered immediately to Calcutta."

Exception with respect to ground to construct indigo works or dwelling houses on.

Fifth. Art. 4th. "After the expiration of the last year of the decennial settlement, no european shall be permitted to rent or hold any land, directly or indirectly, either in his own name, or that of others. This rule however is not to extend to land not exceeding fifty begahs, which europeans shall be permitted to purchase or rent, for the purpose of erecting dwelling houses, or buildings for carrying on manufactures, provided they previously obtain the sanction of the Governor General in Council, through the resident, to purchase or rent the land."

Prohibition against europeans or their servants, seizing bhoosa or any other article.

Sixth. Art. 5th. "If any native servant, or dependent of any british subject, or other european, shall intercept on the road, or otherwise unduly seize, any bhoosa, or other property, he shall, on the party injured complaining to the resident, and on the latter seeing sufficient ground for such a mode of procedure, be committed by him

(i) See R. 48, of 1795, for prohibiting covenanted civil servants of the Company, in Benares from lending money to landholders, and europeans of any description, from purchasing, renting or holding mortgaged lands, &c. without the sanction of the Governor General in Council.

him for trial for such violence to the foujdarry court, and besides suffering such punishment, (in case of conviction,) as the court may inflict, such servant shall be thereon rendered incapable of entering again within the district, into the service of any british born subject, or other european, in any capacity whatsoever; and in all cases of undue seizure of bhoosa, or other property, as aforesaid, by any british subject or subjects, or by his or their servant or servants, on their behalf, it shall be the duty of the resident, on the receipt of any complaint to this effect, to enter on a summary inquiry into the circumstances of the case: whereupon, every such british subject shall strictly and without reserve, conform to any requisition or order that he (the resident) may thereon issue, for full restitution of the bhoosa, or other article, so detained, to the proper owner, as well as for the paying to the latter such indemnification and damages as the resident may award."

Against british subjects pressing artificers and other workmen or labourers into their service.

Seventh. Art. 6th. "In the event of the servants of any british subject attempting to press into, or forcibly carry away for, their master's service, any artificers, workmen, or labourers, they shall be liable for every such offence, to be themselves apprehended by the proper local officers of government, and brought thereon to such trial or punishment, as the laws of the country point out; besides being in all cases where conviction shall ensue, rendered incapable, (in like manner as is expressed in clause sixth,) of acting again in the service of any european."

Against the undue and forcible felling of trees by europeans.

Eighth. Art. 7th. "No british subjects shall be permitted to cut down any trees, unless the owner shall have previously and voluntarily sold them to him, and executed to him a writing, attested by two credible witnesses, expressing his consent to the sale of the trees, and the price of them."

European indigo planters to keep vakeels to answer to complaints preferred against them.

Ninth. Art. 8th. "The Regulations of the 7th March last, prohibiting all epistolary correspondence between the resident, or the native judges of the several courts, and parties in suits or complaints brought before them; it is directed, with a view to facilitate the resident's inquiring into, and settling the frequent and various complaints that are preferred in respect to the indigo cultivation and manufacture, that the several persons concerned in it, shall at all times have in attendance in the resident's cutcherry, well informed vakeels on their respective parts, properly authorized and instructed to deliver competent answers to, and explanations in, the Hindovee tongue, of such allegations as may from time to time be brought by any of the natives against their constituents, or their servants."

Europeans conniving at improper acts by their servants, to be held responsible.

Tenth. Art. 9th. "No european shall seize or confine an individual ryot, or other person, or do any of the acts which their servants are prohibited doing by these Regulations; and where it shall be proved to the satisfaction of the resident, that the servants of any such british subjects have done any such acts, by the orders or with the connivance, or knowledge of their masters, the latter shall be held responsible for the act, and shall be considered to have committed a breach of the Regulations."

European indigo planters to bind themselves to the observance of these regulations.

Eleventh. Art. 10th. "Every european indigo planter shall sign, and personally engage for the adherence to, the above articles, or any other Regulations that may be hereafter enacted respecting them, under the penalty of five hundred rupees for the first offence, and of being sent to Calcutta for the second." *(j)*

No european to be allowed to abide without the permission of government in the zemindarry of Benares.

Twelfth. Art. 11th. "No european is to take up his abode in the zemindarry of Benares, without the sanction of the Governor General in Council. The resident is to send any person guilty of a breach of this rule to Calcutta."

Encouragement to be given to the mode of euro-

V. The resident was at the same time desired to afford every encouragement to europeans in procuring the indigo plant to be raised for them, at a given rate for eve-

(j) See the bond in R. 28, of 1793, extended to Benares by R. 24, of 1795, required to be executed by british-born subjects, for rendering themselves amenable to the zillah and city courts, for all demands against them to the amount of 500 sicca rupees.

ry

peans raising indigo by contract.

ry begah or bundle, by contract, with the ryots or aumil, with this caution to be observed in regard to the latter, that they were not to be permitted to avail themselves of their official influence as an aumil, to compel ryots or any individual, to plough, or work upon the lands, against their inclination, or to exercise any undue authority whatever in the management of the concern.

Notification to the natives of the government having no immediate concern in the planting or manufacture of indigo.

VI. On the 1st July 1794, the aumils and the people of the country at large, were furnished with a translation of the preceding rules, and at the same time apprized, that government had no immediate concern whatever in the provision of the indigo, and that the above measures had been adopted solely upon the ground that the introduction of a new and valuable article of produce could not fail to be productive of advantage both to the cultivators and proprietors of the soil, as well as to the merchants, provided the trade in it could be conducted without prejudice to individuals, or to the good order and government of the country.

Further description of what grounds engaged by europeans before the 20th of March 1794, are to be allowed of.

VII. *First.* On the promulgation of the prohibition in section II, it was set forth on behalf of several europeans, that previous to the date thereof, they had obtained fair and voluntary engagements from sundry zemindars and others, for a certain extent or number of begahs for the cultivation of indigo; and therefore requested that orders might be issued for the ground in question being measured out, and delivered over to them, for the term allowed of under clause second, section IV, which the resident did accordingly admit of and order on the 7th of June 1794; in as far as the land thus found to be fairly contracted and engaged for, previous to the order of prohibition, might not be liable to all or either of the grounds of objection in the follwing clauses, the existence of which was to bar the european's possession of the lands in question.

If the grant thereof shall have been fairly made by persons duly authorized.

Second. Art. 1st. "The engagement or contract for the delivery of the ground to the europeans, must issue and be from the party or parties holding the pottahs of government; and not merely from their putteedars, as the subordinate partners of such pottahdars are not authorized to introduce, without the concurrence of the government's pottahdar, any ryot, and still less a natural born british subject, into the possession or cultivation of any part of the territory included under such pottah."

Such grants not to be for whole villages.

Third. Art. 2d. "In consideration that the Governor General in Council hath prohibited any british subject from holding farms of revenue, and as in fair construction, any pottahdar of government making over all the territory under the pottah to any british subject, would be equivalent to such a taking in farm, as is meant to be forbidden, therefore no pottahdar is, out of the grounds included under such pottah, to be allowed to make over to any european, a larger proportion than shall be suitable to the moderate idea of a ryotty tenure."

Not to affect the grounds in the occupancy of chupperbund ryots without their consent.

Fourth. Art. 3d. "A pottahdar of government is not to be deemed competent to grant to any natural born british subject for the cultivation of indigo, the grounds of any chupperbund or khud-casht ryot, unless on the condition of such settled ryots razeenamah being previously delivered into the office of the resident under the attestation of the canoongoes."

Similar rules for the observance of the aumils and canoorgoes where the lands are amauny.

Fifth. Art. 4th. "As the aumil is in the amauny, or unsettled villages of each purgunnah, in the stead and place of the pottahdars of government; such aumils are, as far as regards the granting of any grounds therein to any european for the cultivation of indigo, to consider themselves as bound to be governed by the same qualifications, restrictions, and conditions, as are provided and specified in the three preceding clauses and articles, for the guidance of the pottahdars in similar instances; nor is any aumil to make such grants out of the cutcha lands, without the privity and consent of the canoongoes, who are to attend in every such instance to the due and full observance of the requisitions thus made."

Sixth.

Sixth. The notification comprehended in this section, was confirmed by the Governor General in Council under date the 4th of July 1794.

VIII. *First.* On the 12th of July 1794, a circular notification was published by the resident, announcing to the natives, that the Governor General in Council had no objection, but rather wished to encourage their entering into contracts with europeans, to raise for them the indigo plant, and to deliver it to them when ready to be cut and transported to their manufacturing-houses, subject however to the conditions in the clauses undermentioned.

Terms notified on which the natives may contract with europeans, for the raising of the indigo plant.

Second Art. 1st. "That only the pottahdars of government, (or in amaunny lands the aumil,) be competent to enter into such contracts with europeans, which condition has however been since modified as under the next section."

What persons among the natives may thus contract.

Third. Art. 2d. "That even pottahdars of government shall not be competent to apply the grounds occupied in husbandry by chupperbund or khud-casht ryots not in balance as to their rent, to raise indigo on, without the latter's full and free consent."

Exception with respect to the grounds of chupperbund ryots.

IX. *First.* But on a representation being made by some of the indigo planters that the prohibition in clause second, section VIII, would prove highly prejudicial to them, and particularly expose them to undue exactions on the part of the pottahdars of government; at the same time that they offered to hold the produce of the indigo crops at all times bound for the payment of the amount of the contract rates, for which they should have agreed, so as always to prove an adequate security to the pottahdar or pottahdars of government, for the jumma of the part of his or their zemindarry or farm planted with indigo; clause second, section VIII, was with a view to the promotion and general increase of cultivation, declared on the 22d July, 1794, to be repealed, so far as that europeans were pronounced at liberty to enter into contracts on the above conditions with the chupperbund or khud-casht ryots, or with putte dars whose puttes might be distinct and separate, and have been divided off from the pottahdar's part of the estate, for cultivating, sowing, and rearing, the indigo plant by their own labour, within their respective limits of cultivation, in the same manner as is allowed to pottahdars under section VIII.

In what instances putteedars & chupperbund ryots may contract with europeans for the raising of indigo.

Second. Where such indigo cultivation as is described under the first clause of the present section, shall take place in spots where hitherto the rent of the land payable by the ryot, has been the moiety or other proportion of the produce; the canoongoes shall in all such cases fix the money assessment which is to be, on an indigo crop, paid by the ryot, or joint putteedar, to the pottahdar of government, whilst the indigo manufacturers are to pay to either of the two latter by whom the ground may be possessed, the amount for which they shall have contracted.

Canoongoes to fix the money rent on indigo culture in cases where it has heretofore been paid by betay.

Third. The rules contained in this section were declared by the resident to the parties soliciting them, to be passed merely by way of experiment, and liable to such future amendment or entire revocation, as might hereafter appear necessary, or as government might at any time direct.

Rules in this section passed by way of experiment and declared liable to be repealed if found unsuitable.

X. The authorities vested in, and duties required to be discharged by, the resident, under the preceding sections, are to be considered as transferred from the date of their entering respectively into office, to the judges of the city and zillah courts, from whose decisions appeals are to lie, in all cases allowed by the Regulations.

In what degree the judges of the city and zillah courts are charged with the execution of the requisitions of this Regulation.

REGULATION XXXIV.

A REGULATION *for re-enacting with modifications, the rules respecting the pensions payable from the government and moolky treasuries in the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March,* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE following rules are prescribed, for determining the continuance or discontinuance of the pensions, payable in money from the government and the moolky treasuries at Benares. *(k)*

First class of pensions, to be considered as property.

II. The pensions under the heads of maash, and rozeena, sanctioned by the Governor General in the year 1781, amounting to Benares sicca rupees 33,296, 7 annas, having been originally granted, either wholly or in part, as indemnifications for aymah, or other lands, resumed under the native government, are not to be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them, but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited, in the same manner as other property.

Second class of pensions, to non-reinstated landholders determinable on the demise of the parties.

III. The second class of pensions payable from the treasury, consist of allowances granted in 1781 by the Governor General, to certain persons who represented themselves to have been landholders in the zemindarry of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor General in Council under date the 11th of April 1788, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them, without his special sanction.

Third class of pensions, formerly issuable out of the local collections, and all other allowances of this description, depend for their continuance after the death of the present holders, on the will of government;

As do the fourth or miscellaneous class of pensions.

IV. Besides the pensions noticed in the preceding section, there are others payable from the moolky treasury, which were heretofore paid by the aumils in their several purgunnahs, and for the amount of which they received credit in their accounts of the revenue; and also certain other miscellaneous allowances to individuals, receivable partly from government's, and partly from the moolky treasury, the continuance of all which depend on the conditions and limitations under which they were severally granted. But it is to be considered as a general rule, that the collector is to report to the Board of Revenue, *(l)* the death of all pensioners whose pensions are receivable either from the government's or the moolky treasury, with the circumstances and conditions of the original grant, and the several orders that may have been subsequently passed on the subject. The Board of Revenue are to submit this report, with their sentiments on the case, to the Governor General in Council, who will thereon issue such orders as may be applicable respecting the continuance or resumption of each particular pension or allowance. *(m)*

Fifth class. Allowance for khelauts to the cauzy and moofty at the two Edes.

V. The cauzy and moofty of Benares, having always received khelauts at the two Edes, or annual mahomedan festivals, denominated the Edyn, the fixed expense of such khelauts is to be defrayed by the collector in the usual manner.

(k) See Regulations 22, of 1806, and 11, of 1813, entitled respectively, A Regulation for modifying the rules hitherto observed in the admission and payment of claims to pensions, and A Regulation for modifying some of the rules before established respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.

(l) The authority, powers, and duties of this Board have been transferred to the Commissioner in Behar and Benares, appointed under Regulation 1, of 1816, who is to be understood wherever the Board is named or intended in this Regulation.

(m) The Commissioner in Behar and Benares is empowered to determine finally on all original claims to pensions, as well as on claims to the continuance of lapsed pensions, not exceeding in amount fifty rupees. See R. 2, of 1[illegible], S. 2, and 7.

VI.

Sixth class of pensions.

VI. The sixth class of pensions, consists of the allowances granted by the order of the Governor General in Council of the 11th of February 1791, and paid from the Fasly year 1200, (1792-3,) to such of the persons who formerly received pensions from the sayer, as from indigence, age, or helplessness, were deemed objects of real charity, under tusheas or certificates, specifying that such pensions were to cease on the death of the holders. That this fund may continue to be faithfully applied to its original object, by being appropriated solely to the relief of those natives and settled inhabitants of the district of Benares, who from age, sex, or infirmity, shall be unable to provide for themselves, or earn a livelihood by their labor, it shall be the duty of the collector of Benares, to report immediately to the Board of Revenue, the demise of every pensioner on this list, and to recommend the transfer of the pension, wholly or in part, to one or more proper objects. The Board are to submit this recommendation to the Governor General in Council, with their opinion on it, *(n)* and in the event of its being approved by him, they are to order the collector to grant a tushea or certificate for the pension under his seal and signature, bearing date from the demise of the last holder. This certificate, is to specify the sex and age of the party on whom the pension may be conferred, and the motive for bestowing it on him or her, with a provision that it is to be continued only during the natural life of the holder. The aggregate of the pensions specified in this section, is not to be increased beyond the present amount of them, excepting by order of the Governor General in Council.

Allowance to indigent and helpless persons who formerly had assignments on the abolished sayer.

All the pension in this class to lapse on the demise of the holder.

How to be again granted to proper objects.

Seventh class of charitable allowances defrayable from the offerings of the temple of Bindabashnee.

VII Certain charitable allowances are likewise defrayable from the religious offerings made at the temple of Bindabashnee near to Mirzapoor, the distribution of which, (as hitherto made to the parties entitled to receive it under the authority of the native judge,) is to be continued as formerly, with this alteration, that the distribution is to be made, under the orders of the Board of Revenue, and the Governor General in Council, by the collector, who is to be held responsible for the proper dispensation of the charity, agreeably to the established rules for the management of it. If any of the parties interested in this fund, shall deem themselves aggrieved by the orders of the collector, they may represent the circumstances to the judge of the dewanny adawlut, who is to forward the petition to the Governor General in Council, who reserves to himself the power of passing such determination on the petition as may appear to him proper. *(o)*

For what future or renewed pensions the collector is to grant certificates.

VIII. For every pension which may be hereafter granted by the Governor General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from either of the beforementioned treasuries at Benares, *(p)* the collector shall deliver to the party by whom the pension is to be received, a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Register of pensions to be kept.

IX. The collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds and vouchers under which they are held, in a register in the English and persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others *(q)*

(n) See the preceding note.

(o) See Regulation 2, of 1814, for the trial of suits against public officers, amenable to the courts of civil judicature for acts connected with the discharge of their official duties. By R. 22, of 1806, S. 3, the Commissioner in Behar and Benares, is empowered to decide on all claims to pensions not exceeding fifty rupees.

(p) Also such pensions which may be granted by the Commissioner in Behar and Benares, under the provisions of R. 22, of 1806.

(q) See further rules in R. 11, of 1813, S. 3.

X.

Pensions to be paid monthly.

X. The annual amount of the pensions is to be issued in monthly proportions, agreeably to the practice which has hitherto prevailed in the province.

Rule for the payment of pensions exceeding fifty rupees per annum by the collector.

XI. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the collector in person at the stated periods, to receive the amount of their respective pensions, and the collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pensions to their authorized vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty rupees per annum by cauzies.

XII. All pensions not exceeding fifty sicca rupees per annum, are to be paid by the cauzy of the purgunnah in which the pensioners may reside, the collector supplying him monthly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the cauzies are to be guided by the same rules and restrictions as are prescribed to the collector in section XI, respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately by him. The cauzies are to take receipts from the pensioners for their respective allowances, and transmit them to the collector. They are to report to the collector the death of any pensioner, the payment of whose allowance may have been intrusted to them, and any cauzy who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto, the allowance of a deceased pensioner with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council. (r)

To whom the payment of pensions not exceeding fifty rupees per annum, is to be committed where no cauzies are stationed.

XIII. In districts in which no cauzies are stationed, the collector is to commit the payment of the pensions not exceeding fifty rupees per annum, to the tehseeldar, or other officer of government, who may be stationed in the purgunnah or village, where such pensioners may reside; or, if there be no such officer, to any trust-worthy person in the neighbourhood, who may be willing to undertake the trust.

Courts of judicature not to take cognizance of claims to pensions except under section II.

But they may hear complaints against a collector or any person for withholding the payment of the pension which may have been adjudged.

XIV. The determining upon the continuance of the pensions and allowances to which this Regulation relates, being provided for in respect to each class, under the rules prescribed in the several sections in which they have been successively noticed, all claims to such pensions and allowances, with the exception of those specified in section II, are declared not cognizable in any court of judicature. But if a collector, or a cauzy, or any person, intrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the pension to which he or she may be entitled, the collector or person withholding the pension, shall be liable to be sued for such act, in the dewanny adawlut of the jurisdiction in which the pension may be payable, and provided proof be made to the satisfaction of the court, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause to the satisfaction of the court for having withheld the pension, the court is to order it to be dis-

(r) This and the next section are probably not in force, [illegible] not expressly rescinded. Rules exactly similar to those contained in these two sections, (enacted for the provinces of Bengal, Behar, and Orissa, and the Ceded and Conquered provinces,) are rescinded by R. II, of [illegible], and other rules have been prescribed in their stead. Regulation II of 1813, is declared to be in force throughout the provinces immediately dependent on the presidency of Fort William.

charged,

charged, and compel the collector, or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs, as may appear to it equitable. (s)

A. D. 1795. REGULATION XXXV.

A REGULATION *for better enabling individuals to recover arrears of rent or revenue due to them.*—PASSED *by the Governor General in Council on the 27th March 1795; corresponding with the 16th Chyte 1201 Bengal era; the 22d Chyte 1202 Fusly; the 16th Chyte 1202 Willaity; the 22d Chyte 1852 Sumbut; and the 5th Ramzaan 1209 Higeree.*

GOVERNMENT not admitting of any delay in the payment of the public revenue receivable from proprietors and farmers of land, justice requires that they should have the means of levying their rents and revenues with equal punctuality, and that the persons by whom they may be payable, whether under-farmers, dependent talookdars, ryots, or others, should be enabled, in like manner, to realize the rents and revenues from which their engagements with the proprietors or farmers are to be made good. Regulation XVII, 1793, was enacted with a view to enable all of the abovementioned descriptions of individuals, to enforce payment of arrears of rent or revenue, without application to the courts of judicature, as far as the amount might be realizable from the crops and personal property of the defaulter, leaving him to sue in the courts for redress, in the event of any sums being unjustly exacted from him. This was the leading principle of the Regulation; but to prevent so extensive a power being abused on the first delegation of it, provisions were made for obliging the distrainer to withdraw the attachment on property, in the event of his demand being contested by the defaulter, and of his giving security to try the justness of it within a specific time in the court of judicature, and to pay interest on the amount, with costs, in case of its being decreed to be due. These provisions, however, have been found to counteract the object of the Regulation, by the delay often unavoidable in bringing suits to a conclusion, and the opportunity which they afford to defaulters of protracting the discharge of just demands. In large estates, in which extensive tracts of country are underfarmed, the under farmers often fall in arrear to so considerable an amount, as to render the realizing of the deficiency by the distress of their personal property impracticable. In such cases, the proprietors or farmers, are obliged to sue the defaulter or his surety in the dewanny adawlut for the recovery of the arrears, but as the persons to whom the arrears may be due, are not allowed any suspension in their payments to the public whilst the suit is depending, the lands of proprietors are liable to be sold, and the persons and property of farmers are subject to attachment, for deficiencies arising not from their own misconduct or mismanagement, but from breach of engagements on the part of their under farmers. To obviate the above inconveniencies, the following rules have been enacted. (t)

(s) See R. 2, of 1814, entitled, A Regulation for modifying the rules before established for the trial of suits proposed to be instituted against any of the public officers, who have been declared amenable for acts connected with the discharge of their official duties, to the jurisdiction of the courts of civil judicature.

(t) See R. 45, of 1795, for similar rules for the province of Benares, as those contained in this Regulation.—Extended to Cuttack by R. [illegible], of 1805, S. 36. See also the general provisions of R. [illegible], of 179[illegible], for enabling proprietors and farmers of land to realize their rents with greater punctuality.

Sections IX and X, of Regulation XVII, 1793, and part of section VIII, rescinded.

II. Sections IX and X, Regulation XVII, 1793, by which distrainers are required to withdraw the attachment on distrained property, on the person from whom the arrear is demanded, denying the justness of the demand, and giving security to have it tried in the dewanny adawlut within a certain time, and to pay interest to the date of the decree, with costs, in the event of the demand being decreed to be just, *are hereby rescinded*, together with the following clause of section VIII, of that Regulation, viz. "*or he shall contest the demand, and procure the attachment to be withdrawn in the manner hereafter specified.*" (v)

Distrainers allowed to affix their signature only to writings for the distress of property.

III. In future, distrainers are permitted to affix their signature only to writings for the attachment of property, instead of both their seals and signatures as required by section VIII, Regulation XVII, 1793.

Section XXII, Regulation XVII, 1793, regarding the sale of distrained property rescinded.

IV. Section XXII, Regulation XVII, 1793, regarding the mode of selling distrained property, *is hereby rescinded*, and the rule contained in the following section is adopted in lieu of it.

Rules regarding the sale of distrained property.

Distrainer to apply to the cauzy of the pergunnah to sell the property.

Acts to be done by the cauzy on receipt of the application, viz;

To publish at the places herein specified, a list of the property;

The place of sale;

The day of sale

And the hour of the day when the sale is to be made;

To appoint appraisers to value the property;

V. After the expiration of the fifth day, and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or, if the property attched shall consist of crops, or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in section XIII, Regulation XVII, 1793, the distrainer shall apply to the cauzy, (u) of the pergunnah to have the same appraised and sold. (w) Upon the receipt of such application, the cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice, which shall specify, firstly, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar or haut, or any place of public resort where the cauzy may be of opinion it is likely to sell to the best advantage: secondly the day on which it is to be sold, *which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case, the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored as directed in section XIII, Regulation XVII, 1793;* (x) and thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble. (y) The cauzy shall nominate two creditable persons, competent by their profession,

(v) The rules contained in sections 9 and 10, R. 17, of 1793, and the clause from S. 8, of the same Regulation, above quoted, having been revived by R. 5, of 1812, S. 15 and 16; this section is therefore virtually abrogated, according to the rule of construction laid down in R. 41, of 1793, S. 20.

(u) The general powers formerly delegated to cauzies for the sale of distrained property, have been revoked. The native commissioners appointed under R. 23, of 1814, to determine suits not exceeding 64 rupees, and tehseeldars appointed by the collectors for the collection of the public revenue, are generally empowered as sellers of distrained property: all other persons, including cauzies, not commissioners under R. 23, of 1814, must have an express commission to sell distrained property. See R. 7, of 1799, S. 6 and 7.

(w) Applications for sale of distrained property, are to specify the arrear due to the distrainer, and the place where the property may be, and in cases of absconded tenants, (to whom an inventory of the property to be sold, and the prescribed notice are directed to be served at the time of attachment) the inventory is to be delivered to the person who may be employed to sell the distrained property, at the time when the application for the sale of it may be made. See R. 7, of 1799, S. 4.

(x) Rescinded by R. 7, of 1799, S. 4. The sale may take place as early as practicable, five days after attachment, as may be compatible with the observance of the rules in this section. With reference to persons employed in the manufacture of the Company's salt, and the provision of the Company's investments, the sale is not to take place until sufficient time has been given to enable the Company's officers to satisfy the demand, exclusive of the time that may be necessary for carrying into execution the provisions of this section.

(y) The publication of the sale of distrained property, is to be made by beat of drum on one market day at least before the day of sale, as also in the morning of the day on which the property may be sold. See R. 7, of 1799, S. 4.

trade,

trade, or occupation, to appraise the property. The persons so appointed, shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. (z) The cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case, samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose abovementioned. The property shall be put up to sale in one lot, or in two or more lots, as the cauzy may think advisable, The property shall be disposed of for the highest price that may be offered for it. (a) If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The cauzy is in every case to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable, If any person vested with the power of distraint, shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

To fix up the paper of appraisement at the places herein specified; To cause the property or samples of it to be brought and exposed at the place of sale; To put up the property to sale in one, or two, or more lots; To dispose of the property to the highest bidder, and to return any overplus in the proceeds to the defaulter; To sell further property for any deficiency; and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

VI. Section XXVI, Regulation XVII, 1793, regarding the payment of the purchase money of distrained property, *is hereby rescinded*, and the rule contained in the following section is enacted in lieu of it.

Section XXVI Regulation XVII, 1793, rescinded.

VII. The property shall be paid for in ready money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be resold by the cauzy on such day as he shall fix, for the best price that may be offered for it. The defaulting purchaser shall forfeit to the distrainer, ten per cent on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred, on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

New rule regarding the payment of the purchase money for distrained property.

VIII. To facilitate the sale of distrained property, every person having a commission from the judge of the zillah to hear and determine civil suits not exceeding *fifty rupees, under Regulation XL, (b) 1793*, is authorized and required to dispose of,

Native commissioners appointed under Regulation XL, 1793, empowered to sell distrained property.

(z) Appraisers of distrained property, are to be persons conversant with the sale and purchase of the kind of property to be sold, the purport of whose certificate of appraisement, is to be communicated to the tenant whose property may be distrained, three days at least before the day of sale. See R. 5, of 1812, S. 18,

(a) If on the first day of sale a price shall not be offered equal to the appraised value of the property put up to sale, the sale is required to be postponed to the next market day, when it shall be sold, whatever price (not less than the amount bidden on the first day of sale) may be offered for it. See R. 5, of 1812, S. 19.

(b) This Regulation is rescinded by R. 23, of 1814, in which has been re-enacted the rules regarding the office of moonsif, or native commissioner. Suits not exceeding sixty four rupees, are cognizable by moonsifs, under the amended provisions of that Regulation.

under

under the rules prescribed to cauzies in Regulation XVII, 1793, and this Regulation, any property that may be distrained in the purgunnah in which he may reside, and for the sale of which application may be made to him. *The cauzies are likewise to continue to exercise the authority vested in them by Regulation XVII, 1793, and this Regulation,* (c) and where a greater number of persons to be vested with this authority, shall be requisite in any purgunnah for facilitating the sale of property, the judge is empowered to appoint them. But no person vested with the power of disposing of distrained property, shall sell property that may have been distrained for arrears due to himself. Persons of this description, having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Rules for enabling proprietors and farmers of land to recover more expeditiously arrears exceeding five hundred rupees due on account of the past or current years, or that may hereafter become due.

IX. To enable proprietors of land, and farmers of land holding their farms immediately of government, to recover more speedily arrears of rent or revenue, which, from the largeness of the amount, cannot be immediately realized by a levy of distress on the personal property of the defaulter, such proprietors or farmers, who may now have on account of the current or past Bengal, Fusly, or Willaity year, or who may hereafter have on account of the current or any future year of those eras, a demand on any of their dependent talookdars, under farmers, or ryots, or their sureties, for an arrear of rent or revenue, exceeding five hundred sicca rupees, are empowered to proceed for the recovery of the amount in the manner hereafter specified. (*d*)

Proprietor or farmer, to serve the defaulter with a written demand for the arrear.

X. The proprietor or farmer shall cause to be delivered to the defaulter, or to be stuck up at the outer door of his immediate or usual place of residence, a statement of the arrear claimed, with a notice subjoined to the statement, that if he shall fail to discharge the amount within three days, calculating from the day following the day on which the statement may be so delivered to him, or fixed up, he will be proceeded against, as authorized in the following sections.

Proprietor or farmer to apply by petition to the court to have the defaulter confined if he omits to discharge the arrear.

XI. If the defaulter shall fail to discharge the demand by the time limitted in the written notice, the proprietor or farmer, is to present in person, or through an authorized vakeel of the court, a petition to the judge of the dewanny adawlut to which the defaulter may be amenable, praying that he will cause the defaulter to be committed to close custody until he makes good the amount of the arrear claimed, with interest from the date of the delivery or fixing up of the notice as directed in the preceding section, to the date of the payment of it. The petition shall be accompanied by a copy of the statement of the demand, and of the written notice directed to be subjoined to it, without which the judge shall not receive the petition.

Petition to be accompanied with a copy of the written demand, and the judge not to receive the former without the latter.

Judge to summon the defaulter to appear in person or by vakeel.

XII. *First.* On receipt of the petition, and the statement with the subjoined notice, the judge is immediately to issue a summons to the person from whom the arrear may be claimed, requiring him to appear without delay, either in person or by an authorized vakeel of the court, and to deliver in an answer to the demand, with any papers or vouchers he may have to exhibit against the demand, the amount of which is invariably to be specified in the summons.

Cases in which the judge may take security for the defaulters delivering himself up to the court.

Second. In cases in which the judge shall have ground to apprehend, that the person from whom the arrear may be demanded, will abscond, he is empowered to require him to give personal security, for his appearing and delivering himself up into the custody of the court, in the event of his ordering him to be committed to confinement under the following section, and in default of his giving such security, the judge shall forthwith order him to be committed to custody.

Judges may proceed on applications for the confinement of defaulters,

Third. The judges are empowered to proceed on applications for the confinement of defaulters as authorized in this Regulation, out of court, or when the courts may

(*c*) This clause is not in force. See R. 7, of 1799, S. 5, and the note (*u*) attached to section 5 of this Regulation.

(*d*) The remainder of this Regulation, including this section, is rescinded by R. 7, of 1799, S. 14, and the rules in S. 15 of the same Regulation, substituted in its stead.

be adjourned, notwithstanding any thing that may be said to the contrary in any Regulation passed prior to this date.

out of court, or when the court is adjourned.

XIII. *First.* On the appearance of the person from whom the arrear may be claimed, or his vakeel, the judge shall peruse his answer to the demand, and cause to be produced the engagements under which the arrear may be demanded, and the vouchers for the payments made under it, which the parties respectively are required to have ready to exhibit, and after a summary examination of them, and any inquiry which he may deem it necessary to make, if it shall appear to him that the amount demanded, or a sum exceeding five hundred sicca rupees is due to the party claiming the arrear, he shall commit the defaulter to close custody until he discharges such arrear, or the sum so appearing to be due, with interest at the rate of twelve per cent per annum, from the date on which the statement and notice was delivered to him or fixed up as directed in section X, to the date of payment, or the person claiming the arrear, shall apply for his release, or until by a regular suit to be commenced in the dewanny adawlut under section XIX, the amount or sum for the discharge of which he may have been committed to custody on the above directed summary inquiry, shall be found on a regular judicial investigation, not to be due from him.

Judge on the appearance of the stated defaulter to enter into a summary inquiry into the demand.

And to confine the defaulter if the amount claimed or a sum exceeding five hundred sicca rupees shall appear due from him.

When defaulters so confined shall be entitled to their discharge.

Second. If the person summoned under section XII, shall not appear as required by the prescribed time, and shall not show satisfactory cause to the judge for not so appearing, the judge shall proceed upon the documents and vouchers of the party claiming the arrear, and make an order against the defaulter for the payment of the sum which may appear due from him on such examination, and cause him to be immediately committed to confinement.

Judge to proceed exparte in the event of the defaulter not appearing by the prescribed time.

XIV. When a judge shall commit a defaulter to confinement under the preceding section, he shall enter on his proceedings, the sum that may appear to him due from the defaulter, and a list of the papers and documents, on the inspection of which he may have grounded the order for his confinement.

Entries to be made by the judges on the proceedings of the court, on their confining persons under section XIII.

XV. Proprietors or farmers now having suits depending in any of the zillah or city courts for arrears, being of the description of the arrears specified in section IX, are declared to be at liberty to withdraw such suits, and to proceed against the person from whom they may claim the arrears, in the manner above authorized.

Proprietors or farmers having suits now depending in the zillah or city courts, for arrears may proceed for the recovery of them as above authorized.

XVI. On making the summary investigation directed in section XIII, if the judge shall be of opinion, that the arrear demanded, or a sum not exceeding five hundred sicca rupees is not due, he shall not confine the person from whom the arrear may be claimed, but shall leave the proprietor or farmer to institute a regular suit in the adawlut for the amount of his demand, and if the person from whom the arrear may have been claimed, shall have appeared in person or by vakeel, the judge shall cause the claimant to the arrear to pay to him in the former case, such sum as may appear adequate to his trouble, or any loss that he may have incurred in consequence of his having been caused to attend in person, and in the latter, the charges of his vakeel, or any other expenses he may have incurred on account of the process instituted against him.

Judge how to proceed, if the arrear, or a sum not exceeding five hundred rupees shall not appear to him due from the party summoned.

XVII. The confinement of a person under section XIII, shall not be considered to preclude the proprietor or farmer from distraining the personal property of the defaulter for the recovery of the arrear for which he may have been imprisoned, or for any other arrear.

Proprietors and farmers may distrain the personal property of defaulters whom they may have caused to be confined.

XVIII. Persons imprisoned under section XIII, who may deem the sum for the discharge of which the judge may have committed them to confinement on the summary investigation therein directed, not to be due from them, may institute a regular suit in the dewanny adawlut against the proprietor or farmer, at whose instance they

Persons confined under section XIII, may sue the party at whose instance they may have been confined.

Judgment to be given, if the demand be found unjust.

may have been imprisoned, and should the amount be found upon trial not to be due from them, the court shall award costs, and heavy damages according to the circumstances of the case, against the proprietor or farmer by whom the arrear may have been claimed.

Persons paying demands to avoid being summoned under section XII, or sums declared due by the judge to avoid being confined under section XIII, may sue in the dewanny adawlut for the recovery of what they may deem not to have been due from them.

XIX. If any person from whom an arrear may be demanded by a proprietor or farmer under this Regulation, shall consider the whole or any part of the demand to be unjust, but shall discharge the whole amount to avoid being summoned to appear before the judge under section XII, or if any such person from whom a sum exceeding five hundred sicca rupees shall be declared to be due by the judge under section XIII, shall be of opinion that the whole or a part of such sum is not justly due from him, but to avoid being confined shall pay the whole amount, such person shall be at liberty to sue the proprietor or farmer in the dewanny adawlut for the amount which he may have so paid, over and above what he may consider to have been due from him, and the court shall decree to him such sum as he may prove not to have been due from him, with interest, at the rate of twelve per cent per annum, and such costs and damages as the court may deem equitable, on a consideration of the circumstances of the case.

Preceding rules regarding the recovery of rents and revenues due to proprietors and farmers, applicable to managers of estates, and to collectors holding lands in attachment.

XX. The rules in the preceding sections, regarding the recovery of arrears of rent or revenue due to proprietors and farmers of land, are to be considered equally applicable to the managers of the estates of disqualified proprietors, and of joint undivided estates, and to collectors holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purpose.

A. D. 1795. REGULATION XXXVI.

A REGULATION *for repealing section* VII, *Regulation* VIII, 1794, *and empowering the judges of the zillah and city courts to hear appeals from decisions which may be passed by their registers under that Regulation, and rendering final the decisions of the judges in all such appeals where the suit may be for money or personal property; for making final the decrees of the judges of the zillah and city courts, in appeals from decisions passed by the native commissioners appointed under Regulation XL,* 1793*; for rendering serberakars or managers of joint undivided estates, eligible to the office of commissioner for hearing and deciding suits under Regulation XL,* 1793*; for providing against the loss or miscarriage of the proceedings in trials referred by the judges of circuit to the Nizamut Adawlut, or the sentences or orders of that court on such trials; and for establishing another court of dewanny adawlut in the districts now comprised in the zillah of Burdwan.*—PASSED *by the Governor General in Council on the 27th March* 1795*; corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fusly; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

THE appeal immediately to the provincial courts of appeal, from decisions passed by the registers, allowed by section VII, Regulation VIII, 1794, interfering considerably with the more important duties of those courts; and the Governor General in Council being of opinion that from decisions passed by the registers to the zillah and city courts for money or personal property under Regulation VIII, 1794, and from decisions of the native commissioners appointed under Regulation XL, 1793, one appeal to the judge of the zillah or city will be sufficient for the

purposes

purposes of justice, or at all events, that the advantages which might be expected to result from allowing of a further appeal to the provincial courts of appeal, from the decisions of the judges of the zillahs and cities, would be more than counterbalanced by the delay in the determination of causes of greater importance that must necessarily arise from the considerable portion of the time of the zillah and city courts, and the provincial courts of appeal, which would be occupied in preparing and transmitting the records of the trials in these petty causes, and in the decision of them; and with a view to render serberakars or managers of joint undivided estates, eligible to the office of commissioner for the decision of suits under Regulation XL, 1793; and to provide against the undue detention of prisoners in confinement, or delay in the execution of sentences or orders of the Nizamut Adawlut, by the loss or miscarriage of the proceedings in trials referred to that court, or of the sentences or orders on such trials; and to accelerate the decision of civil suits arising in the districts now comprised in the zillah of Burdwan, which, from the great extent of the zillah, have been found too numerous for one court to determine with sufficient expedition; the following rules have been enacted. (e)

Section VII, Regulation VIII, 1794 rescinded.

II. Section VII, Regulation VIII, 1794, empowering the provincial courts of appeal to hear appeals from certain decisions passed by the registers to the zillah and city courts under that Regulation, *is hereby rescinded.*

An appeal from the decisions of the registers, excepting for money or personal property not exceeding twenty-five rupees, to lie to judges of the zillahs and cities.

III. *First.* From all decisions in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, that may be passed by the registers to the zillah and city courts, in virtue of the powers vested in them by Regulation VIII, 1794, an appeal shall lie to the judge of the zillah or city court, under similar rules and regulations to those prescribed regarding appeals to the provincial courts of appeal, from decisions passed by the judges, with the qualifications specified in the two following clauses. (f)

Petition of appeal to be presented within thirty days after the date of the decision. Judge empowered in certain cases to admit the appeal after the prescribed period.

Second. The petition of appeal shall be presented within thirty days after the date of the decision, (g) either to the register, or to the judge; but the judge is empowered to admit the appeal although the petition should be presented after the prescribed time, provided the appellant can show to his satisfaction, good and sufficient cause for not having filed the petition within the limitted period.

Judge how to proceed on admitting an appeal from the register. Register to submit the original proceedings and decree.

Third. On the judge admitting an appeal from the decision of his register, he shall cause to be endorsed on the back of the petition, the word "admitted" (munzoor,) and shall have the seal of the court affixed thereto, and attest the endorsement with his signature. He shall cause the petition so endorsed to be sent to the register, who shall thereupon submit to the judge all the original proceedings and papers in the cause, with his original decree.

Decrees of the judges made final in appeals from decisons passed by the registers for money or personal property un-

IV. The decrees of the judges of the zillah and city courts in appeals from decisions for money or personal property, passed by the registers under Regulation VIII, 1794, and also from the decisions of the native commissioners appointed to hear and determine suits under Regulation XL, (h) 1793, are declared final, not-

(e) Extended to Benares, with the exception of the last section, by R. 54. of 1795, and to Cuttack, and the purgunnahs of Puttespore, Kummardichour, and Bograe, with the like exception, by R. 14, of 1805, S. 11.

(f) Appeals lie to the zillah or city courts, from the decisions of registers in all original suits, without limitation of amount, excepting suits tried by them under R. 24, of 1814, S. 9, C. 6.—See S. 6. C. 2, of the same Regulation. The registers are empowered to try all causes not exceeding in amonnt or value the sum of sicca rupees five hundred. See S. 8, of the same Regulation. Registers may be invested with certain additional powers for the trial of civil suits, and suits decided by them under such additional powers, are appealable to the provincial courts of appeal.—See S. 9, of the same Regulation. See also S. 12, of the same Regulation, for the appointment of additional registers, in addition to the persons holding that office under the established constitution of the zillah and city courts, and a specification of their duties; and the provisions of R. 26, of 1814, S. 3 and 4, regarding summary appeals and reviews.

(g) See R. 26, of 1814, S. [illegible] 10, how the time limited for the admision of appeals is to be calculated.

(h) This Regulation is rescinded by R. 23, of 1814, S. 2, and other rules enacted by it, in its stead.

withstanding

Regulation VIII, 1794, and from the decisions of the native commissioners appointed under Regulation XL, 1793.

withstanding any thing that may be said to the contrary in any Regulation enacted previous to this date. *(i)*

Managers of joint undivided estates, made eligible to the office of commissioner under Regulation, XL, 1793.

V. Serberakars, or managers of joint undivided estates, appointed under section XXIII, XXIV, XXV, XXVI, Regulation VIII, 1793, are declared eligible to the office of commissioner for hearing and determining suits under Regulation XL, 1793, in the zillahs in which the estates they may be appointed to manage, may be situated. *(j)*

Provisions against the loss or miscarriage of the proceedings in trials referred by the courts of circuit to the Nizamut Adawlut, or of the sentences or orders of the court on such trial.

VI Previous to the commencement of each circuit, the courts of circuit are to examine the lists of trials held on the preceding circuit, which may have been referred by them to the Nizamut Adawlut, and in the event of their not having received the orders or sentence of that court on any trial so referred, they are to report the same to the court, that in the event of the proceedings not having been received by the court, duplicates of such proceedings, or of the sentences or orders passed thereon, which may have miscarried, may be forwarded or issued before the commencement of the ensuing circuit, that the sentence or orders of the Nizamut Adawlut on such trials may be forthwith passed or executed.

Additional court of dewanny adawlut established in the districts now comprised in the zillah of Burdwan.

VII. The districts now comprised in the zillah of Burdwan shall be formed into two zillahs, the northern division to be denominated the zillah of Burdwan, and the southern division the zillah of Hooghly. The limits of each zillah are to be determined by the Governor General in Council. A dewanny adawlut superintended by one judge, shall be established in each zillah, with the same powers as the other zillah courts of dewanny adawlut. The judge of each court shall likewise be vested with the office of magistrate, with the same powers as the magistrates of other zillahs. *(k)* The court so established in the northern division, shall be denominated, "The court of dewanny adawlut for the zillah of Burdwan," and the court in the southern division, "The court of dewanny adawlut for the zillah of Hooghly." The half yearly jail delivery directed to take place in the several zillahs by section XL, Regulation IX, 1793, shall be made at Hooghly by the judge of the court of circuit for the division of Calcutta who may proceed to the zillahs of Nuddea and Jessore; and the half yearly jail delivery at Burdwan, by the judge of that court who may proceed to Midnapore and Beerbhoom, agreeably to Regulation VII, 1794. *(l)*

Half yearly jail deliveries in the zillahs of Burdwan and Hooghly, by whom to be made.

(i) See the provisions for second or special appeals, in R. 25, of 1814, S. 3, C. 4, and R. 26, of 1814, S. 2.

(j) Rescinded by R. 23, of 1814, S. 2.

(k) Modified by R. 16, of 1810, S. 2. The governor general may appoint a person, not being the judge of the civil court of any zillah or city, to the office of magistrate of any zillah or city court, with or without the civil judge holding a concurrent authority as magistrate.

(l) The zillahs of Hooghly and Burdwan continue to be included within the circuit of the court of circuit for the division of Calcutta; but the circuits are performed by one court, half yearly, instead of two, which is superintended alternately by one of the three junior judges of the court of circuit for the division of Calcutta. See R. 3, of 1797, S. 2, and R. 5, of 1814, S. 3. The rules of Regulation 7, of 1794, will be found to be thus modified. The zillah of Beerbhoom has been transferred to the division of the court of circuit for Moorshedabad, by R. 1, of 1806, S. 3. See the order of succession for holding the half yearly jail deliveries for the division of Calcutta, in section 4 of the last mentioned Regulation. A further division of the zillah of Burdwan, has since taken place, which, with parts of Beerbhoom and Midnapore, constitute a distinct civil and criminal jurisdiction, called the Jungle Mahauls, which forms a part of the circuit of the division of Calcutta. See R. 18, of 1805.

REGULATION XXXVII.

A. D. 1795 REGULATION XXXVII.

A REGULATION *for better enabling the Sudder Dewanny Adawlut to judge of the progress made by the zillah and city courts, and the provincial courts of appeal, in determining the suits now depending before them, and also of the expedition with which suits hereafter filed may be decided.*—PASSED *by the Governor General in Council on the 27th March* 1795, *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fusly; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzuan* 1209 *Higeree.*

TO assist the court of Sudder Dewanny Adawlut in forming a judgment of the progress made by the zillah and city courts, and provincial courts of appeal, in determining the suits now depending before them, and also of the expedition with which suits hereafter filed may be decided, the following rules are enacted.

Register to submit to the court a monthly report on the abstract registers of the zillah and city courts.

II. By the last day of each month, the register to the Sudder Dewanny Adawlut shall prepare to be submitted to the court at their next meeting, a general report on the abstract registers required to be furnished by the zillah and city courts by section XI, Regulation XVIII, 1793, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each court to have been determined by the judge, and by his register under Regulation VIII, 1794, and by the native commissioners appointed under Regulation XL, *(m)* 1793, or adjusted by the parties.

What the register's report is to contain.

Register to submit a monthly report on the abstract registers of the provincial courts of appeal.

III. The register is likewise to prepare by the last day of each month, to be submitted to the court at their next meeting, a report on the abstract registers required to be furnished by the provincial courts of appeal by section XV, Regulation XVIII, 1793, specifying the number of appeals and causes determined or adjusted in the courts in the preceding month.

Report to be submitted by the register on the half yearly reports of the zillah and city courts of causes remaining undecided.

IV. On the 15th of February, and the 15th of August in each year, or at the first court which may be held after those dates respectively, the register shall submit to the court a report on the last half yearly reports of causes depending in the zillah and city courts, which they are required to furnish by section XII, Regulation XVIII, 1793. The report shall specify the number of causes depending before the judge, the register, and the native commissioners, in each zillah and city, and the number of causes depending in the preceding half yearly report, so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The register is to annex to his report, a summary of the reasons assigned by the several courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half yearly reports.

Register to submit a similar statement of suits, depending in the provincial courts of appeal at the periods of the transmission of their two last half yearly reports.

V. The register is likewise to submit with the report required in the preceding section, a similar report on the causes depending in the provincial courts of appeal, as appearing in their two last half-yearly reports.

Register to notice in his report what abstract registers or half yearly reports have not been transmitted.

VI. In the event of any of the zillah or city courts, or provincial courts of appeal, omitting to forward their monthly abstract registers, or half yearly reports in time to enable the register to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the courts.

Rules for facilitating the preparing of the registers reports.

VII. *First.* To enable the register to prepare the required reports and statements with greater facility, the following rules are prescribed.

(m) This Regulation is rescinded by R. 23, of 1814, S. 2; wherein see the rules for the guidance of the native commissioners in the trial of suits cognizable by them.

Second.

Abstract to be inserted by the judges of the zillahs and cities at the foot of their monthly abstract registers.

Second. The judges of the zillahs and cities are directed to insert at the bottom of their monthly abstract registers, an abstract of the number of causes determined as follows:

BY THE JUDGE.

In appeal from decisions of the Register.

Decreed or dismissed	2	
Adjusted by razenamahs of the parties, ...	2	
		— 4

In appeal from decisions of the Native Commissioners.

Decreed or dismissed, ...	2	
Adjusted by razenamahs of the parties, ...	2	
		— 4

Tried in the first instance by the Judge.

Decreed or dismissed, ...	2	
Adjusted by razenamahs of the parties, ...	2	
		— 4
		— 12

BY THE REGISTER.

Decreed or dismissed, ...	2	
Adjusted by razenamahs, ...	2	
		— 4

BY THE NATIVE COMMISSIONERS.

Decreed or dismissed, ...	2	
Adjusted by razenamahs of the parties, ...	2	
		— 4
	Total	20

Abstract to be inserted by the judges of the zillahs and cities at the foot of their half yearly reports.

Third. The judges of the zillahs and cities are to insert at the bottom of their half yearly reports of causes remaining undecided, the number of suits depending as follows:

DEPENDING BEFORE THE JUDGE.

In appeal from decisions of the register, ...	2	
In appeal from decisions of the commissioners, ...	2	
Under trial before the judge in the first instance, ...	2	
		— 6
DEPENDING BEFORE THE REGISTER, ...		2
DEPENDING BEFORE THE COMMISSIONERS, ...		2
	Total	10

Abstract to be inserted by the provincial courts of appeal at the foot of their monthly abstract register.

Fourth. The provincial courts of appeal are to insert at the bottom of their monthly abstract registers, an abstract of the number of appeals or causes determined by them in the month as follows:

Appeals.

Decreed or dismissed, ...	2	
Adjusted by the razenamahs of the parties, ...	2	
		— 4

Causes

Causes tried before the court in the first instance.

Decreed or dismissed, ...	2
Adjusted by the razenamahs of the parties, ...	2
	— 4
Total,	8

Fifth. The provincial courts of appeal are to insert at the bottom of their half yearly reports, an abstract of the number of appeals or causes depending before them as follows:

Appeals, ...	2
Causes under trial before the court in the first instance, ...	2
Total	4

A. D. 1795. REGULATION XXXVIII.(n)

A REGULATION *for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil judicature, and on petitions presented to those courts, and on the institution of suits before the moonsifs under clause sixth, section V, Regulation XL, 1793; and for the appropriation of the fees so collected.*—PASSED *by the Governor General in Council on the 10th April 1795; corresponding with the 30th Chyte 1201 Bengal era; the 6th Bysaak 1202 Fusly; the 30th Chyte 1202 Willaity; the 6th Bysaak 1852 Sumbut; and the 19th Ramzaan 1209 Higeree.*

NO expense attending the institution of suits in the first instance; and the ultimate expense, being moderate and limitted, whatever length of time the suit may be depending; and no fees whatever being charged on the exhibits and papers filed in the courts, nor on petitions presented to the courts not immediately forming part of the proceedings in any suit under trial; many groundless and litigious suits and complaints have been instituted against individuals, and the trials of others have been protracted, by the filing of superfluous exhibits, or the summoning witnesses whose testimony was not necessary to the development of the merits of the case. The business in many of the courts of judicature, has in consequence increased so as to prevent the judges determining the causes and complaints filed, with that expedition which is essential for deterring individuals from instituting vexatious claims, or refusing to satisfy just demands, and for giving full effect to the principles of the Regulations. The establishing of fees on the institution and trial of suits, and on petitions presented to the courts, being considered to be the best mode of putting a stop to this abuse of the ready means now afforded to individuals of availing themselves of the exercise of the laws, without obstructing the bringing forward of just claims; the following rules have been enacted.

Fee of one anna in the rupee to be paid on the institution of suits before the moonsifs.

II. *First.* The native commissioners vested with the powers of moonsif, under Regulation XL, 1793, are to levy from the plaintiff in every suit that may be preferred to them in the first instance, a fee of one anna in the rupee on the amount of the

(n) This Regulation is superseded by R. 6, of 1797, which itself, excepting S. 2, is rescinded by subsequent Regulations. See Regulations 1, 29, and 28, of 1811, regarding the stamp duty substituted in place of the institution fee, the office of moonsif, or native commissioner, and regarding suits on the part of, or by, paupers.

the money, or the value of the personal property, which may constitute the subject of the suit.

Suits not to be received until the fee be paid.

Second. The moonsifs are not to receive any such suit, until the prescribed fee shall have been paid.

Where the moonsifs is to record the amount of the fees received by him.

Third. The moonsifs are to endorse on the back of the petition of complaint, the amount of the fee which may be so received by them, and the date of the receipt of it, and subscribe the endorsement with their signature, and they shall also state the amount after the particulars of the decision of the suit, in the third column of the monthly report which they are required to transmit to the judge in their capacity of moonsifs, by section XV, Regulation XL, 1793.

How the fees received by the moonsifs are to be appropriated.

Fourth. The moonsifs are to appropriate the fees they may collect under this section, to their own use, as a compensation for their trouble, and an indemnification for the expense which they may incur in the execution of the duties of their office.

Fees to be paid on suits preferred to the zillah and city courts. Courts prohibited from filing the petitions until the fees be paid.

III. *First.* The following fees are to be paid by plaintiffs on the institution of suits in the zillah and city courts, and the courts are prohibited filing any petition of complaint until the fees shall have been paid.

Fees on suits for money or personal property.

Second. In suits for money, or for the value of personal property.

On sums not exceeding sicca rupees	Fifty,	One anna per rupee.	
	Two hundred,	Half an anna per rupee.	
	One thousand,	Three	per cent.
	Five thousand,	Two	per cent.
	Twenty-five thousand,	One	per cent.
	Fifty thousand,	Half	per cent.
On sums exceeding fifty thousand,		A quarter	per cent.

Rules for calculating fees on all sums exceeding fifty rupees.

The fees on sums exceeding fifty rupees, are to be calculated in the following manner. On sums exceeding fifty rupees, and not above two hundred, one anna on fifty rupees, and half an anna on the remainder of the amount. On sums above two hundred, but not exceeding a thousand, one anna on fifty rupees, half an anna on one hundred and fifty rupees, and three per cent on the remainder of the amount. The same rule of calculation, at the prescribed rates, is to be observed on all sums exceeding one thousand rupees.

Fees on claims to malguzarry land.

Third. In suits for malguzarry land (land paying revenue to government) fees are to be levied from the plaintiff on the amount of the annual jumma payable from the land to government, at the rates and under the rules specified in clause second.

Fees on claims to lakheraje land.

Fourth. In suits for lakheraje land, (land held exempt from the payment of revenue to government) fees are to be paid by the plaintiff at the rates, and under the rules specified in clause second, on the annual produce of the land, which is to be estimated according to the rule prescribed in section III, Regulation IV, 1793.

Fees on claims to real property not being malguzarry or lakheraje land.

Fifth. In suits for houses, tanks, gardens, or other real property, not being land of the descriptions specified in the two preceding clauses, fees are to be paid by the plaintiff on the estimated value of the property, at the rates and under the rules specified in clause second.

Registers to receive the fees paid under this section, on suits determined before them.

Sixth. The fees collected under this section, on suits which may be referred by the judge to his register for decision under Regulation VIII, 1794, shall be paid to the register by whom the suits may be determined, or before whom they may be depending in the event of the parties adjusting them by razenamahs, and the amount shall be appropriated to his own use.

Commissioners in their capacity of referees and arbitrators to receive from

Seventh. The fees that may be collected under this section, on suits which may be referred to the commissioners for decision in their capacities of referees (aumeens), or arbitrators (salisan), under Regulation XL, 1793, shall be paid by the courts to the

the commissioner by whom the suits may be determined, or before whom they may be depending in the event of the parties adjusting them by razenamahs, as a compensation for their trouble, and an indemnification for the expense which they may incur in the discharge of the duties of their office.

the court the fees levied under this section on suits determined before them.

IV. *First.* The following fees are to be paid on the trial of suits, tried in the first instance by the judges of the zillah and city courts, or by their registers.

Fees to be paid on the trial of suits in the zillah or city courts or before the registers of those courts.

In suits for money, or personal property, not exceeding in amount or value two hundred sicca rupees, or for lakheraje land, the annual produce of which shall not be above twenty sicca rupees, or for malguzarry land, the annual jumma payable from which to government shall not exceed two hundred sicca rupees, or for other real property, the estimated value of which shall not be above two hundred sicca rupees.

On every exhibit filed in addition to the plaint, answer, reply, and rejoinder, ... four annas.

On every witness summoned, or ordered to be examined on commission, ... four annas.

In suits for money, or property, the amount, value, annual jumma, or annual produce of which may exceed that above specified, but which shall not be such as is declared to render a suit appealable to the Sudder Dewanny Adawlut.

On every exhibit filed, in addition to the plaint, answer, reply, and rejoinder, ... eight annas.

For every witness ordered to be summoned, or examined on commission, ... eight annas.

In suits for money or property, the amount, value, annual jumma, or annual produce of which shall be such as is declared to render a cause appealable to the Sudder Dewanny Adawlut.

On every exhibit, filed in addition to the plaint, answer, reply, and rejoinder, ... one rupee.

For every witness summoned, or ordered to be examined on commission, ... one rupee.

Second. The fees to be levied under this section, are to be paid on the determination of the suit, and the amount of them is to be invariably specified with the other costs, in the decree.

Fees to be levied under this section to be paid on the determination of the suit.

Third. The fees paid under this section are to be carried to the account of government.

Fees paid under this section to be carried to the public account.

V. *First.* In appeals to the judges of the zillah and city courts, from the decisions of the native commissioners appointed under Regulation XL, 1793, in their capacities of referees, arbitrators, or moonsiffs, and from decisions passed by the register under Regulation VIII, 1794, fees are to be levied on the institution of the appeal, on the amount of the money, or the value, or the annual jumma, or the annual produce of the property which may constitute the subject of the appeal, and on the trial of the appeal, at the rates, and under rules and restrictions similar to those specified in sections III and IV.

Fees to be paid on the institution and trial of appeals from the decisions of the native commissioners and the registers.

Second. To prevent misconstruction it is declared, that if an appellant shall present a petition of appeal to the court, or (if the decree with which the party may be dissatisfied shall have been passed by the register) to the register, and the judge or register, in conformity to the rule prescribed in clause first section III, respecting petitions of complaint preferred in the first instance to the zillah and city courts, shall

Persons desirous of appealing, who shall not pay the fees, and present

their petition of appeal within the limited time, to forfeit their right to an appeal.

shall refuse to file the petition, in consequence of the petitioner not having paid the fees, and he shall not both pay the fees and present the petition before the elapse of the time limitted for filing petitions of appeal, his having presented the petition without the fees before the expiration of the limitted time for appealing, shall not be considered as preserving to him his right of appeal, but his appeal shall be rejected, unless the judge should deem it proper to admit the appeal under the discretionary power vested in him by section XX, Regulation XL, 1793, or clause second, section III, Regulation XXXVI, 1795, according as the decision appealed from may have been passed by a native commissioner, or a register.

Fees paid under this section to be carried to the public account.

Third. The fees paid under this section, are to be carried to the account of government.

Fees to be levied on appeals, and on suits tried in the first instance in the provincial courts of appeal and the Sudder Dewanny Adawlut.

VI. *First.* In appeals preferred to the provincial courts of appeal from the decisions of the zillah and city courts, and in appeals presented to the Sudder Dewanny Adawlut, from the decisions of the provincial courts of appeal, and in suits tried in the first instance in the provincial courts of appeal, and in the Sudder Dewanny Adawlut, the provincial courts of appeal and the Sudder Dewanny Adawlut respectively, are to levy fees on the institution of the appeals or suits, on the amount of the money, or the value, or the annual jumma, or the annual produce, of the property which may constitute the subject of the appeals, or suits, and also on the trial of the appeals or suits, at the rates, and under rules and restrictions similar to those specified in sections III and IV, and clause second, section V.

Fees paid under this section to be carried to the public account.

Second. The fees paid under this section are to be carried to the account of government.

By whom the fees directed to be levied in the preceding sections on the institution of suits or appeals are to be ultimately paid.

VII. *First.* The fees directed to be collected in the preceding sections of this Regulation, on the institution of suits or appeals, are to be added by the court or commissioner, before whom the suits or appeals may be tried, to the costs that may be awarded against the party who may be cast, or, in cases from a consideration of the circumstances of which the courts or commissioners may deem it proper so to do, they may order the fees to be borne by the parties respectively in such proportions as they may consider equitable.

By whom the fees on exhibits and summonses for witnesses and orders for the examination of them shall be paid.

Second. The fees on exhibits and summonses, which are directed to be paid on the determination of the suits and appeals, shall invariably be specified in the decrees, with the other costs, and the amount of them, shall be defrayed by the party cast, or by the parties respectively, in such proportions, as the courts may deem equitable, on a consideration of the circumstances of the case.

By whom the fees on exhibits and summonses for witnesses or orders for examining them, are to be paid, in the event of the parties adjusting the suit or appeal by razenamahs.

Third. In cases in which suits depending before the zillah or city courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, shall be adjusted by the parties by razenamah, the fees which may be due on any exhibits, or summonses for witnesses, or orders for the examination of them, which may have been filed or issued, shall be collected from the plaintiff or appellant, who is to settle with the defendant or respondent, the proportions in which the amount is to be defrayed by them respectively.

Paupers may be exempted from the payment of fees under the rules and restrictions herein specified.

VIII. In cases of paupers, the Sudder Dewanny Adawlut, the provincial courts of appeal, and the zillah and city courts, are empowered to dispense with the payment of the fees directed to be levied in the preceding sections, under rules and restrictions similar to those prescribed in Regulation XLVI, 1793, regarding paupers who are unable to plead their own causes, or to find the security therein required for the payment of the fees of the vakeels. Commissioners in their capacity of moonsifs are empowered to dispense with the payment of the fees in suits instituted before them in the first instance, under the rules and restrictions prescribed to the courts in this section.

Moonsif may dispense with the payment of the fees on the institution of suits under the restrictions prescribed to the courts.

IX

IX. Fees calculated at the rates of the fees required to be paid on exhibits by section IV, according to the property to which the petition may relate, shall be paid on every petition not immediately forming part of the proceedings in any suits or appeal depending before the court, which may be presented to the court of Sudder Dewanny Adawlut, or the provincial courts of appeals, or the zillah or city courts, and until the fee be paid, the petition shall not be filed, unless in consideration of the poverty of the petitioner, the court shall deem it proper to dispense with the payment of the fee, in which case they are empowered to remit it.

Fees to be taken on petitions presented to the Sudder Dewanny Adawlut and the provincial courts of appeal and the zillah and city courts.

X. *First.* The fees required to be paid in the preceding sections on the institution of suits or appeals, which may be hereafter preferred to the zillah or city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, shall be paid, under the like rules and exceptions with regard to paupers, by the plaintiff, or appellant, in all suits or appeals now depending in those courts, which may have been instituted subsequent to the 1st May 1793, and prior to this date, unless the parties in such suits, or appeals shall execute razenamahs, and withdraw the suits or appeals, in which case they shall not be liable to the payment of such fees.

Fees above prescribed to be paid on all causes or appeals now depending in any of the courts of judicature, and instituted subsequent to the 1st of May 1793, and prior to this date.

Fees not to be paid in any of such causes or appeals which the parties may adjust among themselves and withdraw by razenamahs.

Second. If the plaintiffs or appellants, in the suits or appeals specified in the preceding clause, shall not pay the fees, or adjust and withdraw the suits, under the option allowed to them in that clause, within one month after they may be required to discharge the fees by a publication to that effect, which the several courts are required to fix up in their court-rooms as soon as may be practicable after the receipt of this Regulation, the courts in which such suits or appeals may be depending, shall dismiss them with costs to the defendant, or respondent, unless the plaintiff or appellant shall show to their satisfaction, good and sufficient cause for not having paid the fees as therein required.

Suits and appeals filed since the 1st of May 1793, and prior to this date, to be dismissed unless withdrawn, or the fees are paid within one month from the date of the publication herein specified.

Third. Persons whose suits or appeals may be dismissed under the preceding clause, shall be at liberty to re-institute them on paying the required fees.

Causes and appeals dismissed under the preceding clause may be reinstituted on payment of the fees.

Fourth. The fees which may be paid under this section are to be carried to the account of government.

Fees to be carried to the public account.

XI. The fees above required to be paid on exhibits and summonses, or orders for the attendance or examination of witnesses, on the trial of suits or appeals that may be hereafter instituted, shall be paid, under the like rules and exceptions with regard to paupers, on all such exhibits, summonses, and orders, which may be filed or issued after this date, in any suits or appeals now depending in the courts, and the trial of which may be prosecuted, whether they shall have been filed previous or subsequent to the 1st May 1793, and the fees which may be so collected, shall be carried to the public account.

The prescribed fees on the trial of causes and appeals hereafter instituted to be paid in all causes and appeals now depending.

XII. The fees directed to be levied on petitions of the nature of those specified in section IX, shall be paid, under the like rules and exceptions with regard to paupers, on all such petitions as may have been presented previous to the date of this Regulation, to the courts of Sudder Dewanny Adawlut, the provincial courts of appeal, and the zillah and city courts, on which orders have not been passed, and those courts respectively, are prohibited from passing any orders on such petitions, until the fees be paid. The fees levied under this section are to be carried to the account of government.

Fees directed to be paid by section IX, to be levied on all petitions now before the courts.

Fees paid under this section to be carried to the public account.

REGULATION XXXIX.

A. D. 1795. REGULATION XXXIX. (o)

A REGULATION *for abolishing the Calcutta customs, or town duties, collected under the several sections of Regulation XLII, 1793, from section XXI, to the conclusion of the said Regulation; and for reviving with alterations, the government customs formerly levied at the port of Calcutta, and discontinued on the 20th June 1788; and prescribing to what courts individuals considering themselves aggrieved under the Regulations respecting the government customs in the provinces of Bengal, Behar, or Orissa, by the act of any collector of the said customs, or his officers, or by any act or order of the Board of Trade, or the Governor-General in Council, are to apply in the first instance for redress.*—PASSED *by the Governor General in Council, on the 22d May 1795; corresponding with the 11th Jeyte 1202 Bengal era; the 18th Jeyte 1202 Fusly; the 11th Jeyte 1202 Willaity; the 18th Jeyte 1852 Sumbut; and the 2d of Zekaad 1209 Higeree.*

PREVIOUS to the 20th June 1788, the imposts levied by government on the trade of the provinces of Bengal, Behar, and Orissa, were of two descriptions, the Calcutta customs, and the government customs. The Calcutta customs, also denominated the Calcutta town duties, were collected by the Company, in virtue of their ancient factorial rights, and were leviable on all goods whatever, imported into Calcutta, by land or by water, whether for consumption in the town, or for the purpose of being afterwards exported from it. The government customs were collected by the Company, as the ruling power, in the provinces of Bengal, Behar, and Orissa, and were leviable, under certain restrictions, on all goods, (including the exports and imports by way of the foreign settlements,) imported into, or exported from, any part of those provinces under their immediate dominion, by land or by water, either by british subjects, foreigners, natives, or others; being equally exacted on the imports and exports of the port of Calcutta, in addition to the Calcutta town duties. Merchants however being required to pay the government customs, and take out a rowannah or pass from one of the custom-houses, before they moved any goods, the produce of the country, from the places of provision or manufacture, these customs operated also as an internal impost on consumption, on such of the articles produced or manufactured in the country as were not exported. On the 3d November 1787, the Company judged it expedient, for reasons assigned in their orders of that date, to direct that the government customs throughout the three provinces should be abolished. On the 20th June 1788, the Governor General in Council, on a consideration of these orders, determined that they were not meant to extend to the Calcutta customs, or town duties; and at the same time that in conformity to those orders, he abolished the custom-houses at Calcutta, Moorshedabad, Patna, Dacca, and Islamabad; he resolved that a custom-house should be established at Manjee, at the conflux of the rivers Ganges and Gogra, for the purpose of levying the government customs on all exports and inports passing the frontier by that route. Under this arrangement, all imports and exports, (excepting those which passed the frontier at Manjee, or entered the port or town of Calcutta,) including the imports and exports by way of the foreign settlements, became exempt from the payment of any duty to government. This arrangement however having been found objectionable, both on account of the diminution which it occasioned in the public resources, and the partial burden which it imposed

(o) The whole of this Regulation is rescinded by R. 9, of 1810, S. 2.—

on the trade of the town of Calcutta, it was deemed advisable, with a view to the re-establishment of the revenue formerly derived from the customs, and to the future increase of it from the expected extension of the trade of the country, as well as to place all persons, whether foreigners or others, trading to or from the Company's dominions, on the same footing; that goods imported into, or exported from, any part of the provinces of Bengal, Behar, or Orissa, under the immediate dominion of the Company, and by whatever channel or route, and whether by british subjects, foreigners, natives, or others, should be equally subjected to the payment of duties. The Governor General in Council has accordingly resolved as preparatory to this last mentioned arrangement, to abolish the Calcutta customs or town duties, and to re-establish the government customs formerly levied on all imports into, or exports from, the provinces by the port of Calcutta, which were discontinued on the 20th June 1788; reserving for his future determination, what arrangements shall be made for collecting the government customs on the imports or exports by way of the foreign settlements, and on the goods imported into, or exported from, the said provinces, by any other channel or route than the port of Calcutta, or the station of Manjee. The following rules have been accordingly enacted.

II. The duties denominated the Calcutta customs, or town duties, levied on all goods and merchandise, imported into the town or port of Calcutta, are hereby abolished, and all the rules for levying those duties contained in the several sections of Regulation XLII, 1793, from section XXI, to the conclusion of the said regulation, are hereby rescinded, from the 1st June next.

Abolition of the Calcutta customs, or town duties, and of the rules in Regulation XLII, 1793, under which they were levied.

III. *First.* The government customs heretofore levied on all goods imported into, or exported from, the port of Calcutta, and which were discontinued on the 20th June 1788, are hereby revived with certain alterations, and are to be collected under the rules hereafter specified, which are to be considered as in force from the 1st June next.

Government customs a Calcutta re-established

Second. The customs shall be collected by a covenanted servant of the Company, who shall be styled, collector of the government customs at Calcutta, and who, previous to entering upon the execution of the duties of his office, shall take an oath of office, similar to that prescribed to the collector of the government customs at Manjee.

Customs to be collected by a covenanted servant of the Company. His official appellation, and oath of office.

Third. The custom-house for the collection of the government customs at Calcutta, shall be established in the town of Calcutta, and shall be open every day, (Sundays excepted,) from nine o'clock in the morning, until two o'clock in the afternoon.

Government custom-house at Calcutta to be open from nine until two o'clock.

IV. *First.* The following rules are prescribed for the collection of the duties hereafter directed to be levied on imports by sea.

Rules for the collection of the duties on imports by sea.

Second. A tide-waiter shall go on board every vessel that may come to anchor in the port of Calcutta, and enter in his book, her name; the nation to which she may belong; the name of her commander; from what port she may have sailed last; and every other particular concerning her.

Tide-waiter to go on board vessels on their arrival, and to enter all particulars concerning them in his book.

Third. The following notification shall be inserted in the tide-waiter's book:

Notification to be inserted in the tide-waiter's book.

"FORT WILLIAM, (*date*).

"*To all Commanders and Supercargoes of vessels trading to the Port of Calcutta.*

"You are hereby directed immediately on your arrival at this port, to transmit to the custom-house, a true manifest upon oath of all the goods and merchandise loaded on board of your vessel, specifying at what port they were received, and to whom

they

they belong, either on account of the owners, or on freight, together with their marks and numbers agreeably to the annexed form.

(Signed) " A. B.
" *Collector of the Customs.*"

Manifest to be subjoined to the notification.

The following Form of the manifest shall be subjoined to the notification:

" *Manifest of the cargo of the ship A. from B. Commander Captain C. under english colours.*

Marks.	*Numbers.*	*Packages.*	*Quantity of goods.*	*Quality of goods.*	*Where shipped.*	*To whom consigned.*

Master or supercargo to deliver in his manifest at the custom-house.

Affidavit to be annexed to the manifest.

Fourth. As soon after the arrival of the vessel as may be practicable, the master or supercargo shall deliver in his manifest at the office of the collector of the customs; and the collector or his deputy, shall annex the following form of an affidavit to the manifest:

" A. B. commander of the ship C. maketh oath and saith, that the annexed manifest, to the best of his knowledge and belief, contains a true and just account of all goods and merchandises, imported on the said ship C. into the river Hooghly, on his account, and that the sums written opposite to the articles, are the true and just prime cost.

" *Sworn this day*
" *of before me,*"

Manifest to be sworn to.

Certificate required from the police office.

Fifth. The master or the supercargo, shall next proceed to swear to his manifest, before one of the judges of the Supreme Court of Judicature, or one of the Calcutta justices of the peace, and shall return it to the collector of the custom's office, with a certificate from the police office, purporting that he has complied with the police regulations, passed by the Governor General in Council, on the 25th of June 1788. No merchandise shall be permitted to be landed from any ship until the above rules shall have been observed; and should any goods not included in the said manifest be afterwards landed, or attempted to be landed, they shall be liable to confiscation.

After the required forms have been observed, and security taken for the duties, the goods to be landed.

Sixth. When the above forms shall have been observed, and sufficient security taken from the owners or freighters of cargo for the duties, which must be paid within ten days, they shall be permitted to land the goods.

All packages to be landed at the custom-house.

Seventh. All goods and packages without exception imported from Europe, shall be landed at the custom-house.

Rules to be observed in landing cargoes.

Eighth. In landing the cargoes of vessels, every separate boat-load shall be accompanied with a note addressed to the collector of the customs, specifying the quantity and quality of the goods. The collector of the customs shall sign an order on each separate note to weigh or examine the [illegible] specified in it, and to pass them.

No goods shall be landed without a note or permit, and great care shall be taken that no more goods are passed than the quantity specified in the permit.

V. *First.* When the cargo shall have been landed, the boat notes or permits mentioned in the preceding section, shall be compared with the manifest; after which the collector of the customs shall proceed to make out bills for the duties agreeably to the following rules.

Rules to be observed up. on the cargoes being landed.
Bill for the duties to be made out

Second. The duties on ships' manifests shall be finally settled by the collector of the customs, without any reference.

Duties to be settled by the collector of the customs without reference

Third. Duties shall be levied at the rate of two and a half per cent on the Calcutta price, of all foreign goods imported by sea, without any deduction, with the exceptions hereafter specified.

Duties at the rate of two and a half per cent to be levied on the Calcutta price of all foreign imports by sea.

Fourth. The owners or commanders of all ships under foreign colours, importing from Europe, or elsewhere, shall be required to deliver a manifest of their import cargoes on oath, and an advance of sixty per cent shall be added to the prime cost of the articles imported on such ships, and the duty levied upon the aggregate.

What duties to be levied on merchandise, imported under foreign colours.

Fifth. European, and all other goods from sea, imported into Calcutta, from the foreign settlements, shall be assessed in the same manner as if imported into Calcutta directly from sea.

Goods from sea imported into Calcutta from the foreign settlements, liable to be assessed.

Sixth. British ships importing at the foreign settlements, shall pay duties in the same manner as if they imported at Calcutta.

British ships importing at the foreign settlements, liable to the duties.

Seventh. The duties shall be levied on the investments of the captains and officers of the Honorable Company's ships on the amount of their invoices, without adding the usual per centage.

The investments of the officers of the Company's ships to be assessed with duties on the amount of their invoices.

Eighth. An advance of fifteen per cent shall be added to the invoice of goods, the produce or manufacture of the Coromandel coast, instead of levying the duties on the Calcutta price; and the duties shall be levied on the aggregate.

What duties to be levied on goods, the produce of the Coromandel coast.

Ninth. Copper imported from Madras, with a certificate, specifying that it has been taken from the government of that presidency, in payment of advances due on contracts with the Company, shall pass duty free.

Copper herein described to pass duty free.

Tenth. As the prime cost of imports by American ships, the produce of America, cannot always be sworn to, the duties in such cases, are to be levied on the account sales properly attested.

In certain cases the duties on imports, the produce of America, to be assessed on the account sales.

Eleventh. The duties shall be levied on China goods at an advance of thirty per cent on the invoice price.

Duties how to be levied on China goods.

Twelfth. The duties on cargoes imported on Macao ships, shall be levied agreeably to the account sales delivered in upon oath. In cases in which the owners may refuse to authenticate their account sales by affidavit, an advance of forty per cent on the prime cost shall be added, and the duties levied on the aggregate.

What duties to be levied on cargoes from Macao:

Thirteenth. In future, the collector of the customs shall not refund half of the duties on certificates from the other presidencies.

Moiety of the duties not to be refunded on certificates from the other presidencies.

Fourteenth. Batavia arrack shall be assessed at the rate of sicca rupees fifty-five per leaguer.

Rate of duty on arrack from Batavia.

Fifteenth. Arrack imported into Calcutta from Bencoolen, shall be exempted from duty.

Bencoolen arrack not to pay the duties.

Sixteenth. The usual deduction of ten per cent shall be made on account of leakage, &c. of liquors. All ullages, or parts of casks, shall be filled up, and their quantity ascertained, before they are removed out of the custom-house. No deduction, or ullages, shall be allowed, after liquors have passed the custom-house.

Rules with regard to leakage, and ullages of liquors.

Upon the duties of import not being paid, or security not being given for them, goods to be secured and sold.

VI. *First.* Should any person refuse or omit payment of the import duties, or if the security tendered for them should not be satisfactory, such part of the goods as may be deemed equal in value to the amount of the duties due on them, shall be secured and deposited in the custom-house, until the duties shall be paid. And in the event of the duties not being liquidated within the period of two months, the goods shall, at the expiration of that period, be sold at public sale.

Proceeds of sales of goods sold under the preceding clauses, how to be applied.

Second. After deducting the duties and custom-house charges, the balance of the sales of goods sold under the preceding clauses, shall be paid to the owners of them on their making application for the same.

Report to be made to the Board of Trade, of goods liable to sale.

Third. The collector of the customs shall report to the Board of Trade, the goods remaining unredeemed at the expiration of the two months, previous to proceeding to the sale of them.

No vessels, nor small craft, permitted to remain within the north west bastion of the old fort, and the export werehouse wharf, nearer than the middle of the stream. Exception.

VII. Particular care shall be taken by the collector of the customs to prevent vessels mooring or lying between the north west bastion of the old fort, and the export warehouse wharf, nearer than the middle of the stream, and no boats or small craft, excepting such as may be employed in landing goods, are to be allowed to remain within the said limits.

Collector of the customs not to allow the cargo or any baggage to be landed from vessels, until furnished with the prescribed list of europeans.

VIII. The collector of the customs shall not allow the cargoes to be landed from any ships or vessels, the commanders of which are required to furnish the list of europeans prescribed by the Governor General in Council, on the 25th June 1788, until he receives a copy of it from the master attendant; and he shall also refuse permission for the landing of any cargoes belonging to the captains or officers of such ships or vessels, or of any baggage belonging to passengers that may come in them, excepting the cargoes or baggage of persons named in the list.

Collector of the customs to report whenever arms, or military stores are landed.

IX. The collector of the customs shall report to the Governor General in Council, through the Board of Trade, whenever any arms or military stores, being private property, are landed from any vessels importing at Calcutta, specifying the nature, numbers, and quantity of such arms and stores, together with the name of the ship, and of the commander or consigner.

Collector of the customs to grant receipts for goods lodged in the custom-house, and to be responsible for the delivery of them.
Collector of the customs not responsible for goods, for which receipts may not be taken.

X. The collector of the customs shall grant receipts on application being made for them, for all goods landed from ships, and lodged in the custom-house. The collector of the customs shall be held responsible for delivering from the custom-house, all goods for which receipts shall have been so granted. Should the captains, officers, or passengers, omit to take such receipts upon their goods being landed, and lodged as abovementioned, they shall not be entitled to an indemnification for any part of them, which may be lost in passing through the custom-house. The receipts shall be returned on clearing out the goods.

Register to be kept of duties collected on imports by sea.

XI. All duties collected on imports by sea, shall be entered in a book, to be kept in the following form:

"Fort William, *Register of Customs, collected on imports by sea, in June 1795.*

1795.	*Number and nature of packages.*	*Vessels.*	*From whence imported.*	*Vessels under what colours.*	*Merchants names.*	*Quality of goods.*	*Quantity of goods.*	*Amount of the account sales.*	*Amount of the customs.*

XII

No packages, &c. to be received into the custom-house, unless marked or numbered.

XII. No packages, casks, bales, chests, or parcels of goods, of any kind, shall be received into the custom-house godowns, unless marked or numbered; and no receipts shall be granted for any packages, not marked or numbered.

No goods to remain in the custom-house longer than seven days, unless by express permission, and remaining longer to be liable to godown rent.

XIII. No goods shall remain in the custom-house godowns more than seven days, unless by express permission; should any goods remain longer, they shall be liable to a charge for godown rent.

Account to be kept by the tide-waiters, of all packages, received and delivered.

XIV. An account shall be kept by the tide-waiters, of all packages, received into, or delivered out, of the godowns.

Rules for the collection of the duties on exports.

XV. The following rules are prescribed for the collection of the duties on exports.

All goods for exportation (with certain exceptions) to be shipped from the custom-house, with permits from the collector of the customs. Goods, from the interior of the country to be examined at the custom-house before shipped.

XVI. *First.* All goods for exportation, the property of individuals, (with the exceptions hereafter to be specified,) shall be shipped from the custom-house, with a permit from the collector of the customs. Goods brought for exportation, from the interior of the country, previous to being shipped, shall be brought to the custom-house ghaut for examination.

Grain, after permission from the collector of the customs, and entry at the custom house, may be shipped from the ghauts.

Second. Grain may, by permission of the collector of the customs, be shipped from the ghauts, after it shall have been duly entered at the custom-house.

Exports on the Company's tonnage, after permission, and entry at the custom-house, and settlement of the duties, may be shipped from the export warehouse, or other ghaut.

Third. The goods of individuals going to England upon the Company's tonnage, may, if permission be granted by the Board of Trade, or the export warehouse keeper, be shipped from the export warehouse, or other ghaut, after the shippers shall have duly entered and manifested their goods at the custom-house, and settled for the duties.

Applications for permits to be made to the collector of the customs. Rules to be observed in making application. Chellaun to accompany applications.

Fourth. All applications for permits shall be made to the collector of the customs in writing, and shall specify the name of the vessel on which the goods are to be laden, the name of the commander, and the place to which the vessel is bound, and shall be accompanied by a chellaun or invoice, specifying the numbers and marks of the packages, the sorts and quantities of goods in each, the place of manufacture, and the aurung or prime cost.

Collector of the customs upon suspecting piece goods not to correspond with the chellaun, to have them appraised, and to charge duties on the appraisement; and should the shipper refuse payment of such duties, the goods to be taken and paid for, by the Company.

Fifth. Should the collector of the customs have reason to suspect any bale of piece goods not to correspond with the chellaun, he shall summon the shipper, and in his presence, should he think fit to attend, cause the goods to be examined by the Company's examiner and appraiser of piece goods, who, should they appear to him rated below the aurung cost, shall proceed to appraise them according to the best of his judgment, and certify his appraisement in writing under his signature, to the collector of the customs, who shall assess the goods agreeably to this appraisement. Should the shipper refuse to pay the duties upon such appraisement, the goods shall be taken on the Company's account, and be paid for according to the appraisement. Each case however shall be reported by the collector of the customs to the Board of Trade, and their determination obtained, previously to the property being transferred to the Company.

All cases of this nature to be reported to the Board of Trade.

Consequence of bales being found to contain a greater quantity than that expressed in the chellaun.

Sixth. Should any bales be found to contain a greater quantity than may be specified in the chellaun, the whole of that day's dispatch shall be liable to confiscation, and whatever goods the same person, on the faith of his chellaun, shall have before been permitted to ship on the same vessel without examination, shall be subject to double duty.

Gruff or other goods, how to be examined. Penalties which are incurred upon such goods being found to differ from the chellaun.

Seventh. On exporting gruff or other goods, not being piece goods, one or more chests, bags, &c. at the discretion of the collector of the customs may be examined or weighed, subject to the same penalties in case of a difference from the chellaun, as are specified in the preceding clause.

All boats, with goods from the country, to stop at the

Eighth. All boats, laden with goods or merchandise from the interior of the country, shall be brought to at the custom-house. The goods on any boats attempting to pass

Custom-house, on pain of confiscation of their lading.

pass Calcutta, without permission from the collector of the customs, shall be liable to confiscation.

Exports duty free to be entered at the custom-house.

Ninth. Goods for exportation free from duty, shall be entered at the custom-house as required with regard to goods paying duties by clause first, of this section.

Rate of duties to be levied on goods exported from Calcutta.

XVII. *First.* Duties shall be collected on the aurung or prime cost of all goods exported from Calcutta, at the rate of two and a half per cent, without any deduction, the following goods excepted, which are exempted from duties:

Goods exempted from duties.

Grain, of all sorts.

Opium, purchased at the Company's sales.

Indigo, Raw Silk, } exported on the Company's ships to the port of London.

Carriages.

Palanquins, mahanna and chair.

Brass and copper utensils.

Spirits, distilled after the european manner, in Bengal, Behar, or the Company's portion of Orissa.

Draw-back allowed on the re-exportation of goods imported for re-exportation;

Second. Goods imported declaredly for re-exportation, shall on re-exportation, be allowed a draw-back of the whole of the duties paid on importation.

And on indigo from Manilla re-exported on the Company's tonnage.

Third. A similar draw-back shall be allowed on indigo, imported into Bengal from Manilla, which may be re-exported to England on the Company's ships.

Measures to be taken by persons desirous of exporting opium, purchased at the Company's sales.

Opium attempted to be passed as purchased at the Company's sales, not being such, liable to confiscation.

Fourth. Persons who may be desirous of exporting opium, purchased at the Company's sales, shall produce a certificate from the Board of Trade, or their officers, signifying, that the opium in question was purchased at the Company's sales. The certificate must specify the purchase, lot, the mark and number upon each of the chests applied for, the name of the purchaser, the cost of the opium, and the date of the sale. Any opium not really purchased at the Company's sales, and attempted to be passed as such, or differing from the cost stated in the certificate, shall be liable to confiscation.

Duties to be paid on presents to Europe.

Parcels, &c. containing presents not exceeding the value of 100*l.* sterling, to be registered by the secretary to the Board of Trade.

Applications for registry to be accompanied by certificate of the settlement of the duties.

No registry to be made without certificate.

Fifth. Persons desirous of sending presents to Europe, as permitted by the Honorable Court of Directors, shall pay the export duties thereupon. The parcels or packages containing presents, the value of which shall not exceed one hundred pounds sterling, shall in future be registered at the office of the secretary to the Board of Trade, and when application is made to him for such registry, it must be accompanied by a certificate from the collector of the customs, that the duties have been duly settled. The secretary to the Board of Trade shall not register any parcel or package, or grant an order for its being received on board any of the Company's ships, without the required certificate.

British ships exporting from the foreign settlements liable to the duties.

Sixth. British ships exporting from the foreign settlements, shall pay duties in the same manner as if they exported from Calcutta.

Goods, the produce of the Company's territories, imported from Bengal at Fort St. George, and Bombay, to be exempted from duties on producing a certificate, which the collector of the customs is to grant.

Seventh. Goods, the produce of the Company's provinces, imported from Bengal, at Fort St. George, or Bombay, shall be exempt from the import duties at those places, on the production of a certificate in the following form, with which the shipper, on his application, will be furnished by the collector of the customs:

"CALCUTTA

CALCUTTA CUSTOM HOUSE,————179.

This is to certify, that the following merchandise, declared to be the produce of Bengal, and its dependencies, has been shipped from Calcutta, for the port of——on the ship—

Quality of goods.	*Number of packages.*	*Nature of packages.*	*Marks and numbers.*	*Quantity of goods.*

Eighth. Official bills shall be made out for the duties, and the amount shall be paid, or security given for the payment of it, in ten days before the goods shall be permitted to be shipped.

Bills to be made out for the duties which are to be paid, or security given, for the payment of them, in ten days before shipping the goods.

Ninth. All duties collected on exports, shall be entered in a book, to be kept in the following form:

Registry to be made of the duties collected on exports.

FORT WILLIAM, *Register of customs, collected on exports by sea, in June* 1795.

1795.	*Number and nature of packages.*	*Place of manufacture.*	*Merchants names.*	*Quality of goods.*	*Quantity of goods.*	*Amount of invoices.*	*Amount of customs.*

Tenth. All goods exported free of duty, shall be entered in a book, to be kept in the following form:

Registry to be made of goods exported duty free.

FORT WILLIAM, *Register of goods, exported free of customs, in June* 1795.

1795.	*Numbers and nature of packages.*	*Place of manufacture.*	*Merchants names*	*Quality of goods.*	*Quantity of goods.*	*Amount of invoices.*

XVIII. *First.* Goods of individuals for exportation on the Company's tonnage, shall not be permitted to be laden, until the duties shall have been settled and paid; or, in the case of their being exempt from duties, until the entry prescribed in clause tenth, section XVII, shall have been made, the same to be certified by the collector of the customs at the foot of the manifest to be delivered at the export warehouse.

Goods for exportation on the Company's tonnage, not to be laden until the payment and settlement of the duties, or if duty free, until entered as prescribed in clause tenth, section XVII.

Second. The master attendant shall not grant a pilot to any vessel, until a certificate shall be produced to him from the collector of the customs of the duties on her cargo, both import and export, having been paid, or settled; or of her export cargo,

Master attendant not to grant a pilot to any vessel until furnished with certificate of the payment or settlement of the

export and import duties and of the entry, prescribed in clause tenth, section XVII; and of the police regulations, of the 25th June 1788, having been complied with.

if exempt from duties, having been entered at the custom house, as directed in clause tenth, section XVII; and also of the police regulations, of the 25th June 1788, having been complied with.

Pilot not to admit any goods to be received on board after the vessel has obtained her clearance, unless accompanied by a certificate of the payment, or settlement of the duties

Third The pilot of every vessel which may have obtained her clearance, shall be ordered by the master attendant, not to permit any goods or merchandise to be received on board, unless the goods shall be accompanied by a certificate from the collector of the customs of their having paid or settled the export duties.

Pilot to detain any vessel, on board which goods may be received without required certificate, and report the circumstance. Goods in such predicament, liable to confiscation.

Fourth. If the commander of any vessel shall notwithstanding the remonstrance of the pilot, receive on board any goods or merchandise, not accompanied with a certificate as prescribed in the preceding clause, the pilot shall immediately report the circumstance to the master attendant, and detain the vessel for his further orders; and all goods in such predicament, shall be liable to confiscation.

Collector of the customs to report to the Board of Trade, whenever goods may be retained, as liable to confiscation.

XIX. *First.* Whenever goods shall be stopped on the grounds of their being liable to confiscation, the collector of the customs shall without delay report the case for the determination of the Board of Trade.

The net sale proceeds of confiscated goods how to be appropriated.

Second. In the event of goods or merchandise being confiscated, under this regulation, the net sale proceeds shall be divided as follows:

One-fifth between the collector of the customs and his deputy, in the proportion of two-thirds to the former, and one-third to the latter.

Two-fifths to the informer or seizer.

Two-fifths to the Company.

Fees authorized to be charged by the collector of the customs.

XX. The collector of the customs shall charge for his own benefit the following fees:

Five sicca rupees upon each port clearance.

Five per cent upon the amount of each of his bills for the export and import duties.

Payment of the above fees to be enforced in the same manner as payment of the duties. Amount of fees collected to be reported to the Board of Trade.

The collector of the customs shall be at liberty to enforce payment of the above fees in the same manner as is prescribed for enforcing payment of the customs. And he shall report monthly to the Board of Trade, the amount charged and collected for fees, distinguishing those for clearances, from those on the bills.

Discretion vested in the collector of the customs of passing parcels and necessaries.

XXI. Parcels for individuals, and necessaries, shall be passed at the discretion of the collector of the customs.

Complaints of persons respecting the government customs, levied at Calcutta, cognizable in the dewanny adawlut of the twenty-four purgunnahs.

XXII. *First.* That no doubt may be entertained in consequence of the collector of the government customs at Calcutta residing and carrying on the public business within the limits of the town of Calcutta, to what court of dewanny adawlut persons are to be at liberty to apply for redress, under sections X and XI, Regulation III, 1793, in the event of their deeming themselves aggrieved under any regulation, printed and published in the manner prescribed in Regulation XLI, 1793, by any official acts, done by the said collector, or by his deputy or assistant, or by any european or native officers employed under him in the collection of the customs, or by any act done by the collector or any of his officers, pursuant to a special order of the Board of Trade, or of the Governor General in Council; it is hereby declared, that the complaints of persons considering themselves so aggrieved, shall be cognizable in the first instance in the dewanny adawlut of the zillah of the twenty-four purgunnahs, in the same manner as if the collector resided and carried on the public business within the jurisdiction of the said court.

Second.

Second. Complaints of the nature of those described in the preceding clause, for acts done by any collector of the government customs stationed out of the limits of the town of Calcutta, or by any of his officers, are declared cognizable in the court of dewanny adawlut within the jurisdiction of which the custom-house may be established.

Complaints respecting the customs at other stations, where cognizable.

XXIII. In suits instituted against a collector of the government customs, whether stationed within or without the limits of Calcutta, and where the act complained of, shall not have been done pursuant to special orders from the Board of Trade, or the Governor General in Council, the party complained against is to appoint one of the authorized vakeels of the court to defend the suit at his own risk.

Cases in which collectors of government customs are to defend suits instituted against them for a breach of the regulations at their own risk.

XXIV. The collectors may take upon themselves the defence of any suits which may be instituted against their officers; but in such cases, the collectors are to be answerable for the decree of the court, in the same manner, as if the suit had been originally instituted against themselves.

Collectors may take upon themselves the defence of suits instituted against their officers.

XXV. When written process shall be issued by a court of civil judicature to a collector, the judge, or the register to the court, shall transmit it under a sealed cover, addressed to the collector in the form of a letter, and superscribed with his name and official appellation. The collector shall immediately acknowledge the receipt of the process by an endorsement to that effect on the instrument, and return it under a sealed cover, addressed to the judge or the register of the court, from which it may have issued.

Process issued against the collector how to be served.

XXVI. Where the Board of Trade shall approve of a decision given against a collector, or any of his officers, in a suit in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them pursuant to orders from the Board, or the Governor General in Council, they are empowered to make the collector, or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs, damages, or decree. But in such cases, the person whom they may so determine to hold responsible, may appeal the cause at his own risk and cost.

By whom decrees, costs and damages, given against collectors of government customs, or their officers, are to be made good.

XXVII. If the Board of Trade shall be dissatisfied with a decree passed against a collector, or any of his officers, in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they may authorize an appeal from it under the regulations; and in the event of their lodging an appeal, it shall be carried on in the provincial court of appeal, and in the Sudder Dewanny Adawlut, (should the cause be carried to the last mentioned court) by the vakeel of government, or by any other authorized vakeel of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.

Board of Trade may authorize an appeal from any decision passed against a collector or his officers.

XXVIII. Security shall not be demanded from the collectors for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, nor for the performance of the decrees or orders of the courts, as government will be responsible for causing the collectors to answer to all such suits as may be instituted against them, and to make good the decrees or orders of the court.

Security not to be demanded from collectors of government customs for their appearance, or for costs or damages, or decrees.

XXIX. The collectors shall not be liable to prosecution for any official act of their predecessors. But any person who may be removed from the office of collector of the government customs, is to carry on in the same manner as if he had continued in

Collectors not liable to prosecution for the acts of their predecessors. What suits they are

bound to defend after removal from office.

in the office, all suits in which he may be engaged in his official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it adviseable to order his successor to prosecute or defend the suits. This rule however is not to extend to suits in which a collector who may have been removed, shall have been engaged in consequence of orders from the Board of Trade, or the Governor General in Council. All such suits are to be carried on by the collector of the government customs for the time being, and at the risk and expense of government.

Collectors allowed to forward instructions to their vakeels by the dawk, free of postage.

XXX. To facilitate the communication between the collectors and their vakeels in the zillah or city courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, who may be intrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels in those courts. The instructions are to be enclosed under a sealed cover directed to the vakeel. The instructions so sealed and directed, are to be transmitted under a sealed cover, addressed to the register of the court, in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court immediately on receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts, to whom the pleading of such suits or appeals may be committed by the collector, are authorized either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel, and the judge, or the register to the court, is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Instructions to be sealed, and enclosed under a sealed cover, addressed to the register of the court, who is to deliver them sealed.

The vakeels may in like manner forward papers to their constituents through the register.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suits or appeals.

XXXI. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any suit or appeal, in which they or any of their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, instead of leaving the conduct of the suit or appeal to the collector.

Collectors not to derive any advantage from suits.

Nor to sustain any loss if their conduct be approved.

XXXII. The collectors shall not derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended that the collectors, should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the regulations, or may be approved by the Board of Trade, or the Governor General in Council. The collectors are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice, and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company until the previous sanction of the Board of Trade, or the Governor General in Council, shall have been obtained for that purpose; and until such sanction is procured, the collector making the disbursements or payments, is to be held answerable for the amount.

Sums disbursed by collectors of the government customs not to be carried to the debit of the Company without orders from the superior authorities.

Rules in this regulation

XXXIII. All the rules in this regulation respecting collectors, are to be considered equally applicable to their assistants or deputies, being covenanted servants of the

the Company, whilst officiating as collectors in the absence of the collectors, or whilst the office of collector is vacant.

applicable to assistants and deputies.

A. D. 1795. REGULATION XL. (p)

A REGULATION *for modifying such parts of section III, and clause third, section VIII, and section IX, Regulation XXX, 1793; as relate to the rewards payable on information being given of the illicit manufacture, transportation, or importation of salt; and for increasing the rewards, and authorizing the servants of government to benefit by them; and for modifying and altering the rules and restrictions contained in section IV, Regulation XXX, 1793; and sections XXXIV and XXXV, Regulation XLII, 1793, in respect to the importation of Muscat salt.*—PASSED *by the Governor General in Council, on the 1st June 1795; corresponding with the 21st Jeyte 1202 Bengal era; the 28th Jeyte 1202 Fusly; the 21st Jeyte 1202 Willaity; the 28th Jeyte 1852 Sumbut; and the 12th Zekaad 1209 Higeree.*

GOVERNMENT being of opinion, that an increase of the reward payable on seizures of contraband salt according to Regulation XXX, 1793; the prompt payment of it; and the extension of the benefits arising from seizures to the officers of the salt department, who have not hitherto participated in them, however instrumental or active they may have been in effecting the seizures, would contribute greatly to the detection of any illicit manufacture or trade in this article; and many instances of the illicit importation of Muscat salt having occurred; and the Governor General in Council being desirous of putting a stop to such practice in future, and at the same time of continuing to the port of Muscat, the privilege of importing salt the produce of that place to a certain extent; the following rules have been enacted.

Reward to which persons are entitled, for giving information of the illegal manufacture, sale, transportation or importation of salt.

II. All persons who may give information of salt illegally manufactured, sold, or transported within, or imported into the Company's provinces of Bengal, or Behar, or that part of Orissa which is under the dominion of the Company; or of any description of contraband salt, provided such salt be attached in consequence of their information; shall be entitled to a reward of twenty-five per cent on the value, to be estimated by the medium price at which the salt of the district where the seizure may be made, shall have sold at the last public sales preceding the attachment. All officers of government to whom the information may be given, and who may be immediately concerned in making the attachment, shall be entitled to an equal reward, that is to say, twenty-five per cent on the value as above specified, subject however to the discretion of the Board of Trade, to make the distribution of the reward to one or more persons, as their conduct may respectively appear to merit.

Reward to which the officers of government are entitled for the seizure of such salt.

Reward to officers of government seizing such contraband salt without information given them.

III. In case any attachments should be made of such salt, wholly by the officers of government, and not upon information, the persons concerned in making such attachment, shall be entitled to a reward of fifty per cent upon the value, to be estimated by the medium price at which the salt of the district where the seizure may be made shall have sold at the last public sales preceding the attachment, subject however to the discretion of the Board of Trade to make the distribution of the reward to one or more persons as their conduct respectively shall appear to merit.

Reward when to be paid.

IV. All persons who shall become entitled to the reward for the information or the attachment of such salt, shall be paid by the Board of Trade immediately, that the confiscation

(p) The whole of this Regulation is rescinded by R. 6, of 1801, S. 2.

confiscation of such salt shall be declared to be legal, and the judgment on it to be final.

What reward to be granted on the seizure of coast or foreign salt.

V. The reward to be granted on coast salt, or any other foreign salt, that may be seized, shall be regulated by the price at which salt of the same description as that attached, may have sold at the last sale preceding the seizure.

Certain parts of Regulations XXX and XLII, 1793, annulled, and rules substituted in their stead.

VI. Section IV, Regulation XXX, 1793, and sections XXXIV and XXXV, Regulation XLII, 1793, are hereby annulled, and shall cease to be in force from the 1st August 1795; and the following rules shall take effect in their stead.

The privilege of importing Muscat salt on a ship from Bombay disallowed.

VII. *First.* There being ground to believe that salt manufactured on the island of Bombay, or in its neighbourhood, has often been imported under the plea of its being Muscat salt, the former privilege of importing two hundred maunds of Muscat salt on a ship from Bombay, is discontinued.

Muscat salt to be imported in ships from Muscat, and to be accompanied by a certificate from the Muscat custom officers.

Second. No salt under the denomination of Muscat salt, shall be allowed to be imported into Bengal, Behar, or that part of Orissa, which is under the dominion of the Company, unless it shall be imported on a ship coming from Muscat, and be accompanied by a certificate duly authenticated by the officers of the customs at Muscat, of its being the produce of that place.

Quantity to be imported on any one vessel restricted.

Third. No greater quantity than five hundred maunds of eighty-two sicca weight to the seer, shall be imported on any one vessel.

Muscat salt imported in opposition to the restrictions contained in the preceding section, to be confiscated. Rewards to be paid to persons giving information, and making seizure of Muscat salt, so illicitly imported, according to sections II and III.

VIII. Any quantity of salt under the denomination of Muscat salt, attempted to be imported in opposition to the restrictions contained in the preceding section, shall be confiscated. Any person giving information of Muscat salt so illicitly imported, shall receive a reward of twenty-five per cent calculated at the selling price of salt of this description disposed of at the last public sale antecedent to the seizure: and twenty-five per cent more shall be distributed among the officers of government who may be immediately concerned in making the seizure. But should the seizure be made wholly by the officers of government, and not upon any information given them, the persons concerned in making it, shall receive a reward of fifty per cent calculated as above, in conformity to sections II and III, of this regulation.

Muscat salt to be delivered on account of the Company at a certain price specified. Custom master to be furnished with an account of the quantity imported; and such quantity to be paid for, on producing the golah keeper's receipt for it. Certain duties formerly levied on this salt, abolished.

IX. All the rock salt from Muscat hereby allowed to be imported, shall be delivered on shore at the Company's golahs near Sulkea on account of the Company, at the fixed price of sicca rupees two hundred the hundred maunds of eighty-two sicca weight to the seer. The deputy secretary to the Board of Trade shall furnish the collector of government customs with an account of the quantity imported, which shall be paid for at the salt office at the above rate on the production of the golah keeper's receipt for the salt. The rowannah duty of sicca rupees thirty per hundred maunds, and the import duty of four per cent on the assumed value hitherto paid on this salt, shall not be levied in future.

Rules in section V, Regulation XXX, 1793, continued in force.

X. The powers vested in the officers of the salt department, by section V, Regulation XXX, 1793, are still continued to them, and the magistrates and darogahs of police are to afford them as heretofore, the assistance therein prescribed.

REGULATION XLI.

A. D. 1795. REGULATION XLI.

A REGULATION *prescribing rules for trying the validity of the titles of persons holding, or claiming a right to hold, lands exempted from the payment of revenue to government in the province of Benares, under grants not being of the description of those termed badshahee or royal, nor made by the supreme power for the time being; and for determining the amount of the annual assessment to be imposed on lands so held, which may be adjudged or become liable to the payment of public revenue.*—PASSED *by the Governor General in Council on the 31st July 1795; corresponding with the 18th Sawun 1202 Bengal era; the 29th Sawun 1202 Fusly; the 18th Sawun 1202 Willaity; the 29th Sawun 1852 Sumbut; and the 13th Mohurrum 1210 Higeree.*

BY the antient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, (demandable in money or kind according to local custom,) unless it transfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use, the difference between the value of such proportion of the produce, and the sum payable to the publick, whilst he continues to discharge the latter. As a necessary consequence of this law, if a zemindar made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of government would have been liable to gradual diminution. Numerous grants however of this description have been made, not only by the zemindars, but by aumils, and other officers of government, appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made, but in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the british government have at various times declared all grants for holding land exempt from the payment of revenue made since the 1st July 1775, (the date of the final cession of the province of Benares to the Company,) without their sanction, illegal and void; and the Governor General in Council deems it incumbent on him to recover the public dues thus alienated in opposition to the antient and existing laws of the country, as also to resume the revenue of all lands the grants for which have expired, the proprietors of estates not being entitled to collect such of the public dues from the lands included in their estates, as government may have judged it advisable to transfer to individuals, or to resume those which have been alienated by themselves or others, the amount in both cases being excluded from the assets on which the permanent settlement has been formed. The Governor General in Council however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid, should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of government from those lands which have been illegally alienated previous to the commencement of the Fusly year 1196, should be attended with as little distress as possible to the possessors; and to obviate all injustice, or extortion, in the inquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the publick on their lands, (provided they register the grants as required in this regulation,) shall be tried in the courts of judicature, that no such exempted lands may

may be subjected to the payment of revenue, until the titles of the proprietors shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further that government, and the officers employed in the collection of the public revenue, may at all times have in their possession a correct register of the lands in the province of Benares held exempt from the payment of revenue; the following rules have been enacted.

Grants of alienated land made previous to the 1st July 1775 declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 1st July 1775, the date of the cession of the province of Benares to the Company, by whatever authority, and whether by a writing, or without a writing, shall be deemed valid, provided the grantee actually and bona fide obtained possession of the land so granted previous to the date abovementioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of government, the grant shall not be deemed valid.

Grants made before the 1st July 1775 of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of government who may have subjected exempted land granted before the 1st July 1775 to the payment of revenue.

Second. In the event however of a claim being preferred by any person to hold land exempt from the payment of revenue under a grant made previous to the 1st July 1775, and of it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto, by an officer of government, and the court shall entertain doubts as to the competency of such officer under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer, was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim however to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by the city or any zillah court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it, as required by section VIII, Regulation VII, 1795.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard.

Exception.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue lands, now subject to the payment of revenue under grants for life made previous to the last cession of Benares.

Third. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold exempt from the payment of revenue, land now subject to the payment of revenue, under a grant made previous to the cession of Benares to the Company, the writing for which may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant from the nature and denomination of it shall be proved to be a life tenure only, according to the antient usages of the country.

The heirs of persons now possessing exempted lands under life grants made previous to the 1st July 1775, not entitled to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the 1st July 1775, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to

to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the antient usages of the country. Nor to entitle the heir to any such person, to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary, according to the antient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 1st July 1775, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.

Power reserved to the Governor General in Council, of determining whether life grants to which one or more successions, of whatever nature, may have taken place prior to the 1st July 1775, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Fifth. The present posssessors of lands now exempt from the payment of revenue, under such life grants made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages, are declared illegal and void. It is to be understood however, that if any such life grants shall have been confirmed as hereditary tenures by government, or by the officers of government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court, as to the competency of the authority of any officer of government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally, whether such officer possessed competent authority to confirm the grant as hereditary, or not, and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

Such life grants, if confirmed by government, or its officers, not to be subject to the payment of revenue on the death of the present possessor.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st July 1775, and previous to the beginning of the Fusly year 1196, by any other authority than that of government, and which may not have been confirmed by government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the 1st July 1775, excepting by the authority of government, or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Third. The rule contained in clause first, is not to be considered to extend to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee, or otherwise, were made previous to the 1st of July 1775, where the quantity of land granted shall not exceed ten begahs, and the produce of it is bonâ fide appropriated as an endowment on temples, or to the maintenance of brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten begahs, made previous to the above date, the produce of which may be now so appropriated.

Exception in favour of lands not exceeding ten begahs granted before the dates herein specified, which are appropriated to religious or charitable purposes.

IV. This regulation, as far as regards lands alienated previous to the commencement of the Fusly year 1196, respects only the question whether they are liable to the

Questions regarding the proprietary right in lands alienated before the com-

mencement of the Fusly year 1196, and adjudged liable to the payment of revenue, to be determined in the dewanny adawlut; this regulation with respect to such lands relating only to the revenue.

the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which in conformity to this regulation may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined by the courts of dewanny adawlut, in the event of any dispute or claim arising respecting it, between the grantee and the grantor, or their respective heirs or successors. (q) The grantees, or the present possessors, until dispossessed by a decree of the dewanny adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to government, or to the proprietor, or farmer of the estate in which the lands may be situated, or to the officer of government, (according as the revenue of the estate in which the land may be situated, may be payable by the proprietor, or a farmer, or collected khaus,) under the rules for the permanent settlement. If by the decision of the dewanny adawlut, the proprietary right in the land shall be transferred, the person succeeding thereto, is in like manner to be responsible for the payment of the revenue assessed or chargeable thereon.

Benefits arising to the grantee or possessor by his being continued in possession of the land under the preceding section.

V. By continuing the proprietary right in the land to the grantee or possessor, as specified in the preceding section, instead of dispossessing him of the land altogether agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made subsequent to the 1st July 1775, and previous to the 31st August 1781, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other malguzarry lands in the country, and where the grant may have been made subsequent to the last mentioned period, and previous to the commencement of the Fusly year 1196, he will hold the land subject to the payment of the same revenue as other lands assessed with revenue under the rules for the permanent settlement, as hereafter directed.

To whom the revenue assessed on lands not exceeding fifty begahs alienated before the Fusly year 1196, shall belong.

VI. The revenue assessable under section IX, on land not exceeding fifty begahs of the measurement that may prevail in the purgunnah wherein it may be situated, and whether lying in one village, or two, or more villages, and that may have been alienated by any one grant made previous to the Fusly year 1196, and which may be adjudged or become liable to the payment of revenue, shall belong to the person or persons responsible for the discharge of the revenue of the estate or putteedarry, in which the land may be situated, notwithstanding any thing said in section V, Regulation XXVII, 1795, and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands, during the continuance of the engagements under which he may pay the revenue of such estate, or putteedarry, when the land may be so adjudged liable to the payment of revenue. If the estate or putteedarry, shall be held amauny or khaus, when the lands are declared liable to the payment of revenue, the amount is to be collected by, and paid to whomsoever the rents and revenue of the estate or talook may be payable, until a settlement shall be concluded for the revenue of it either with the proprietor or a farmer.

The revenue assessable on lands exceeding fifty begahs alienated prior to the Fusly year 1196, declared to belong to government.

VII. The revenue assessable under section VIII, on land exceeding fifty begahs of the measurement that may prevail in the purgunnah wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the Fusly year 1196, and which may be adjudged or become liable

(q) The courts of judicature passing a decree, changing the proprietary right in, or possession of lands malguzarry and lakheraje, are directed to furnish a copy of it to the collector where the land may be situated, and the Commissioner in Behar and Benares, twenty days after passing it, for the purpose of preserving correct the different registers of land kept by the collectors under this and other regulations. See R. 8, of 1795; S. [illegible] and R. 58, of 1795, S. 3 and 4.

to

to the payment of revenue, is declared to belong to government, but is to be paid through the proprietor of the estate from which the alienation was originally made. under clause third, section XIV, Regulation II, 1795.

Rules for fixing the assessment on the lands specified in section VII.

VIII. *First.* The amount of the revenue payable from the lands specified in section VII, is to be adjusted according to the following rules :

If the grant shall have been made previous to the 31st August 1781.

Second. If the grant shall have been made previous to the 31st August 1781, the revenue to be paid to government, shall be equal to one half of the annual produce of the land, calculating according to the rates at which other lands in the pergunnah of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such russud or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, (r) with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one half of the expense attending which, is to be defrayed by the proprietor, in the event of his agreeing to the jumma required of him, and the other moiety by government; or, by such other mode of investigation as the collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held amanny. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors, shall hold the land at such fixed revenue, for ever.

If the grant shall have been made subsequent to the 31st August 1781.

Third. If the grant shall have been made subsequent to the 31st August 1781, the revenue or jumma to be paid to government from the land, shall be assessed agreeably to the rules prescribed in Regulation V, 1795, for forming the settlement of estates paying revenue to government, and the produce shall be ascertained, and the expense of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held amauny or khaus, under the rules for the decennial and quartennial settlements. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he and his heirs and successors, shall hold the land at such fixed revenue, for ever.

Rule for fixing the amount of the revenue on the lands specified in section VI.

IX. The rules in the preceding section, are to be held applicable to the lands specified in section VI, with this difference, that the proprietor, farmer, putteedar, or officer of government, to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expense, and submit the accounts of it to the collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered in cases in which it shall appear to them proper to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he, and his heirs, and successors, shall hold the lands as a dependent puttee, subject to the payment of such fixed revenue, for ever.

Grants made since the beginning of the Fusly year 1196, declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under fifty begahs, that have been made since the beginning of the Fusly year 1196, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil, or the rents of it. And every person who now possesses or may succeed to the proprietary right in any estate, or who now holds, or

(r) The duties, powers, and authority of this Board in Benares, have been transferred to the Commissioner appointed under R. I, of 1816, who is to be understood instead of the other, wherever the latter may be named or intended throughout this Regulation.

may

may hereafter hold, any estate in farm of government, or of the proprietor, or any other person, and every officer of government appointed to make the collections from any estate or talook held khaus, is authorized and required, to collect the rents from such lands at the rates of the purgunnah, and to dispossess the grantee of the proprietary right in the land, and to re-annex it to the estate or talook in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any office of government; nor shall any such proprietor, farmer, or putteedar, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or talook, when the grant may be so resumed and annulled. The managers of joint undivided estates, are authorized and required to exercise on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise on behalf of the proprietors, the powers vested in proprietors by this section.

XI. Proprietors or farmers of land, or putteedars, who may deem themselves entitled to the revenue of any land of the description of that specified in section VI, situated in their respective estates, farms, or talooks, are to institute a suit for the recovery of it in the court of dewanny adawlut. Any proprietor or farmer of land, or putteedar, or other person, subjecting such lands to the payment of revenue without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependent talooks may be held amaany, (khaus) the right of suing for the recovery of the revenue from the lands specified in section VI, is to be considered as vested in the party to whom the collections from the estate or talook may be payable. If the estate or talook be held khaus by government, the tehseeldar, or other officer, is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the collector.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in section VI.

To whom the right of suing for the revenue of the lands specified in section VI, is to belong, if the estate or talook be held khaus.

XII. It is to be the duty of the collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in section XIV, to prosecute on behalf of government, in the court of dewanny adawlut, in the jurisdiction of which such lands shall be situated, for the recovery of the public dues from the lands specified in section VII, that are declared by this regulation subject to the payment of revenue; and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.

Collectors to prosecute for the recovery of the dues from lands specified in section VII.

No lapse of time to be a bar to the recovery of the public dues.

XIII. The collector shall receive a commission of twenty-five per cent on the amount of the jumma which may be assessed in perpetuity, on land adjudged liable to the payment of revenue to government, in consequence of suits which may be prosecuted by him to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office, shall not be entitled to any commission, in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collector who may prosecute them to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collector, by whom the suits may have been instituted, or to the collector who may have succeeded the collector who instituted the suits, and preceded the collector by whom they may have been prosecuted to a final decision. (s)

Commission of twenty five per cent to be received by collectors on the permanent jumma of lands adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.

Collectors instituting suits but not prosecuting them to a final judgment, not to receive commission excepting in the cases herein specified.

XIV. When a collector shall have ground to believe that any land exceeding fifty begahs, and alienated by any one grant previous to the beginning of the Fusly year 1196, is held exempt from the payment of revenue under an invalid title, he is to state

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

(s) If circumstances should prevent the forming of a permanent settlement of lands adjudged to pay revenue under this section, the Governor General in Council declared it optional in him, in such cases, to grant a commission to the collector on whatever amount he may deem an equitable jumma. See R. 58, of 1795, S. 2.

such

such information as he may possess, or be able to procure, respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered previous to ordering the institution of the suit, to authorize the collector to demand from the proprietor, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody, by a time to be limitted in the requisition, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limitted time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor as they may judge proper, upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue; and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case, produce any writing, or in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings, (excepting for the registry of them by the publication specified in section XXV,) or to institute a suit for the recovery of the dues of government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered without receiving any previous report from the collector, to order suits to be instituted for the recovery of the public dues from lands, which they may have ground to believe are held under invalid titles.

Board if they see grounds, empowered to order the collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted, without any previous report from the collectors.

XV. The collectors of the revenue are to defend all suits that may be instituted against government, (who alone agreeably to the principles prescribed in this regulation can be the defendant,) by any individual claiming a right to hold exempt from the payment of public revenue, lands paying revenue; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended and prosecuted by the vakeel of government under the instructions of the collector; and in the event of government being cast either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in section XXXVI, Regulation VI, 1795, and the other sections in that regulation, respecting decisions given against a collector, in the city or any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of government; and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the city or zillah court, to be preferred to the provincial court of appeal, or against the decision of the provincial court, to the Sudder Dewanny Adawlut, in the event of their ordering the cause

Collector to defend suits instituted by individuals to hold malguzarry land exempt from the payment of revenue.

Vakeel of government to defend or prosecute suits instituted against or by government.

Rules to be observed by the collector, in the event of government being cast wholly or in part.

cause to be appealed to the provincial court, and of its being given against them therein; they are to report their reasons in both cases for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or not in either case, as may appear to him proper. (t)

Courts to award adequate costs and damages in cases of litigious, vexatious, or groundless prosecutions being instituted under this regulation.

XVI. If a suit shall be brought before a court of judicature by the collector, or any officer of government, or by a proprietor or a farmer of land, or a putteedar, for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual to hold exempt from the payment of revenue, lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor in favor of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.

Grants forged or altered, in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue dated prior to the beginning of 1196 Fusly, has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma from the date of the first decision adjudging the land not exempted.

XIX. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall pay the jumma which may be assessed upon the land from the date of such first decree adjudging the land subject to the payment of revenue.

Cases in and rules under which certain grants are to be transferrible.

XX. Grants of land, which from the terms of the grant, or the nature of the tenure, are hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the british government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector within six months after they may succeed to the grant. (v) But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made, or confirmed by the british government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation.

(t) See R. 2, of 1814, regarding the trial of suits proposed to be instituted against any of the public officers, who have been declared amenable for acts connected with the discharge of their official duties, to the courts of civil judicature.

(v) The succession to lakheraje or [illegible] lands, by R. 8, of [illegible], S. 21, is required to be forthwith reported to the collector of the place, together with other necessary information, to enable him to make the prescribed entry in the public registers, under the penalty of a fine.

XXI.

XXI. *First.* When land of the description specified in section VII, shall be finally adjudged liable to the payment of revenue, *the name or names of the village or villages, or land included in the grant, and the measurement thereof,* (u) the purgunnah in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions directed to be kept by section XXXIII, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by section XXII, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to government, directed to be kept by section XVI, Regulation XIX, 1795, in order that the land may be recorded in its proper place, as an estate paying revenue to government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such land, in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations, in which the above required entries may be made, and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in section VII, adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in section VI, shall be finally adjudged liable to the payment of revenue, *the measurement of the land,* (w) the name of the purgunnah in which it may be situated, the jumma payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register, he is to insert in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XIX, 1795.

Record of lands specified in section VI, adjudged liable to the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue, shall be finally adjudged to be exempted from the payment of revenue, the name or names of *the village or villages, or land, which may be so exempted, the measurement thereof,* (x) the purgunnah in which it may be situated, the name or names of the proprietor or proprietors, the amount of the jumma, and a copy of the decree, are to be entered in the register of intermediate mutations, and the collector is to insert in red ink opposite to such entry, the number of the page in the last formed quinquennial register *in which such village or villages, or the village or villages in which the lands may be situated, may be recorded,* (x) that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

(u) Rescinded by R. 8, of 1800, S. 11 and 12. See therein what entries are to be made in the different registers required to be kept by this regulation.

(w) Rescinded by R. 8, of 1800, S. 12.—See the last note.

(x) Rescinded by R. 8, of 1800, S. 11 and 12. See the note (u) to section 21, clause 1, of this regulation.

payment of revenue, and the collector shall insert in red ink opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grant, the lands included in which may be now subject to the payment of revenue.

Rule to apply to old grants renewed by government.

XXII. That government and its officers may at all future periods have in their possession, a complete register of the lands throughout the province of Benares, held exempt from the payment of revenue under grants of the nature of those described in this regulation, and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under fifty begahs, held exempt from the payment of revenue under grants made previous to the Fusly year 1196, shall be formed every five years. The register is to specify the denomination of each grant, whether Maafy Mujray, Kishnarpun, Baughaut, or other tenure, the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant, and the date of the grant; *the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement in begahs of the village or villages, or the land included in the grant;* (y) and the name of the purgunnah in which the land granted may be situated. The register shall be denominated, the "Periodical Register of lands held exempt from the payment of revenue under grants made previous to the beginning of the Fusly year 1196, not being badshahee or royal grants." (z)

Register of lands held exempt from the payment of revenue prior to the Fusly year 1196, to be formed every five years.

Contents of the register.

Denomination of the register.

XXIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collector, who is strictly enjoined to adhere to it.

Board of Revenue to prepare a form for the periodical register. Collector to adhere to the form.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under fifty begahs, in virtue of grants made previous to the Fusly year 1196, and whether made or confirmed by the government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue.

Holders of land exempt from the payment of revenue, allowed one year to register their grants from the time specified in section XXV.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector upon the receipt of this regulation, is to cause the following publication, which shall be written in the persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of every proprietor and farmer of land paying revenue immediately to government, and of every native collector in lands held amauny or khaus by government, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication to be made, requiring all persons to register their grants.

"In conformity to Regulation XLI, 1795, every person being actually in possession of Maafy Mujray, or Kishnarpun, Baughaut, or other land now exempt from the payment of revenue, in the estate of ———, or the farm of ———, or the amauny or khaus lands under the charge of ———, whether exceeding or under fifty begahs of the

Publication.

(y) Rescinded by R. 8, of 1800, S. 11 and 12. See the note (u) attached to S. [illegible] of this regulation.

(z) The canoongoes in the province of Benares are also required, as a part [illegible] duty, to keep an account of all lands held under rent-free tenures, whether the grants be hereditary or [illegible] report to the collector all escheats of such lands to government. See R. 4, of [illegible], number 2. By R. [illegible], a general purgunnah register of lands, mulguzarry and lakheraje, and an intermediate purgunnah register, are directed to be established in the office of the collectors of revenue, and to be continued every five years.

the measurement of the purgunnah in which the land may be situated, and whether comprising or lying in one village or two or more villages, and which may be held in virtue of any grant made previous to the Fusly year 1196, and whether made or confirmed by the government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector, before the expiration of one year from the date of this publication. If any holders of such grants shall not so register their grants, either in person, or by a vakeel with a vakaulutnamah attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue in the same manner as if they had been adjudged to be so by a final decree of a court of judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.

Denomination of the grant, whether Maafy Mujray, Kishnarpun, Baughaut, or other tenure.

Name of the grantor.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the deed, if the grant be in writing, and if not, the date on which the grant was made.

The name or names of the village or villages comprised in the grant, or in which the land may be situated. (a)

The measurement of each village, or the villages, or the land included in the grant.

The purgunnah or purgunnahs in which the land may be situated.

A copy of the original grant, and other writings, under which the land may be held.

Lands not registered within the prescribed time, declared subjected to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant, shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature, and the collector, if the land shall exceed fifty begahs, shall proceed to assess the land accordingly, and if it shall be under fifty begahs, the party to whom the revenue of the land may be payable under section VI, is empowered to assess the land as therein directed. The Governor General in Council however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction, for not having registered it within the limitted period, and the Board of Revenue are to report to the Governor General in Council, every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register. (b)

(a) The particulars specified in this and the next paragraph, are not to be stated in the registers directed to be kept by this regulation. See R. 8, of 1800, S. 11 and 12.

(b) By R. 8, of 1800, S. 19, wherever the publication prescribed in the preceding section was not duly made, the collectors were directed to make it, and the period of one year was allowed for the registry of exempted lands after the making thereof. But after the expiration of the allotted time, any lands exempted from the payment of revenue, found not registered, provided the publication was duly made, became subject to the payment of the public revenue. By S. 20 of the same regulation, [illegible]etors of estates paying revenue to government, are required to give notice to the collectors [illegible] new villages on their estates, under certain penalties; and they are declared liable to the forfei[illegible] of their estates if proprietors, or if not proprietors, to a fine, for any wilful omission in the village [illegible] required to be furnished by them to the collectors, for the purpose of preparing the public registers. The [illegible] entitled to a commission of twenty five per cent on the jumma assessed in perpetuity on lands un-

XXVII.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limitted for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in section XXVI.

Registry of lands not to be considered as an admission of the possessors proprietary rights in the soil, nor of title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared however, that the registry of grants under this regulation, is not to be considered as an admission of the right of the person in whose name they may be registered, to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the dewanny adawluts for the former, and he will be liable to be sued for the recovery of the latter by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limitted for the registry of grants.

Inscription on the back of the register.

Book to be paged and each page to be attested by the judge of the city court of Benares.

Judge to specify the number of pages in the book on the last leaf.

XXIX. Upon the expiration of the period for registering the grants, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it, "Periodical Register formed under Regulation XLI, 1795, of lands held exempt from the payment of revenue, under grants not badshahee or royal, made previous to the Fusly year 1196, in the province of Benares, at the commencement of the year— , Fusly era, corresponding with the year of our lord——, number——." Each leaf of the book shall be paged, and be signed by the judge of the dewanny adawlut of the city of Benares, and on the last leaf of the book, he is to note in his own hand writing, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered One.

Second periodical register to commence with the year 1207, to be numbered Two, and the subsequent registers in their order.

XXX. The second periodical register, is to commence with the year 1207 of the era current in the province of Benares This register is to be numbered Two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records, are to keep an exact counterpart of the English periodical register in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the dewanny adawlut of the city of Benares, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers are to be kept in the persian language, *and the Hindostanee, language and Nageree character.* (c)

Manner in which resumptions, and other occurrences regarding exempted lands, in the intervals between the forming of the periodical registers, are to be recorded.

XXXIII. For the purpose of recording all resumptions, or other occurrenecs respecting the lands which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collector is to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The Register of intermediate resumptions, or other occurrences respecting grants of exempted land not badshahee," and shall have the following inscription on the back "Register formed under Regulation XLI, 1795, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue under grants not badshahee

der this section; the commission is payble to the collector discovering and [illegible] of the registry, unless the Governor General in Council should deem it equitable to [illegible] le, or a [illegible] llector; and should circumstances prevent the forming of a settlement [illegible] perpetuity, the Go[illegible] Council declares it optional, to grant a commission on what he many [illegible] an equitable jumma, See [illegible] 9. 2.

(c) Rescinded by R. 8, of 1800, S. 15. The counterpart registers are directed to be kept in [illegible] n language only.

or

or royal, made previous to the Fusly year 1196 in the province of Benares between the commencement of the year————, and the expiration of the year————, Fusly era." Previous to any entries being made in this register, it is to be paged, and the judge of the dewanny adawlut of the city of Benares is to sign each leaf of it, and on the last leaf, note in his own hand writing, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in section XXV, which the Governor General in Council may order to be admitted upon the register under section XXVI; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from, or annexed to, the province of Benares, with the authority for the several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to government, in the cases specified in section XXI, in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by the collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two, or more collectorships.

XXXIV. In the event of the province of Benares being hereafter divided into two or more collectorships, and of mahauls being ordered to be separated from one collectorship, and annexed to another, the collector from whose district the separation is to take place, is to transmit to the collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such mahauls, and also of any entries respecting them in the register of intermediate resumptions, which may have taken place subsequent to the forming of the last periodical register.

How such separations of exempted lands, are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made, is to transmit to the judge of the dewanny adawlut from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate resumptions, which may relate to the grants to be separated from his district, and the collector to whose district the annexation may be made, is to transmit copies of the above mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the jurisdiction to which the lands may be annexed. Immediately upon the receipt of these papers, the court from the jurisdiction of which the separation may be made, is to transmit the papers in any causes depending before it, which, in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collector enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVI. The collector is to attest all entries in the register of intermediate resumptions with his official signature, and he is strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences, taking place.

Counterparts of the English register of intermediate resumptions, to be kept by the keepers of the native records.

XXXVII. A counterpart of the register of intermediate resumptions, is to be kept by the keepers of the native records in the same form as the English register, and in a book the leaves of which are in like manner to be paged and attested by the judge of the dewanny adawlut of the city of Benares.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions, are to be corrected.

XXXVIII. When [illegible]dical register shall have been transcribed fair into the book attested by [illegible]ge of [illegible] as directed in section XXIX; if it shall be discove[illegible]tries respecti[illegible]y land are erroneous, or incomplete, or that there [illegible] inaccuracies [illegible] transcriber, the entries are not to be altered or

or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions, in which the errors or omissions may be noted, and at the end of the note, specifying the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions, in the native languages.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Persons in possession of disputed grants, to be registered as the proprietors.

XL. If the proprietary right in any grant of exempted land, shall be under litigation in a court of justice at the time of forming the first, or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XLI. If the collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue, The Board of Revenue are to furnish the collector with such records or information as they may possess regarding the exempted lands, as well to assist him in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon him in registering the grants, or to aid him in ascertaining what lands now held exempt from the payment of revenue, are liable to the payment of revenue under this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands.

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

XLII. The collector is to transmit as early as may be practicable to the Board of Revenue, an attested copy of the periodical registers both in the English and native languages, each in a book of the prescribed size, paged and attested by the judge of the dewanny adawlut of the city of Benares, in the same manner as the original register, as directed in section XXIX, and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fusly year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. (d) *The collector is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the dewanny adawluts of the city and zillahs in the province, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collector.* (e)

(d) The copies of the periodical registers in the english and persian languages, and the copies of the entries from the registers of intermediate resumptions, are to be transmitted to the Acc[illegible] to the Commissioner in Behar and Benares, (substituted for the Board of Revenue) to whom certain [illegible] [illegible]ribed upon the receipt of them. See R. 8, of 1800, S. 16,

(e) Rescinded by R. 8, of 1800, S. 15.—See other and fu[illegible] rules therein.

XLIII.

Courts, the Board of Revenue, and the collector, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the periodical registers, and registers of intermediate resumptions, both in the English and native languages; *and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects or otherwise.* (*f*)

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLIV. The periodical register which is to be formed at the commencement of the Fusly year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any such grants of land that may have been annexed to the zillah, (in the event of the province being hereafter divided into two or more zillahs or collectorships.) or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under section XXVI. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved to the satisfaction of the judge of the dewanny adawlut of the city or any zillah, that a native officer of the collector, or of an assistant to the collector, shall have received directly or indirectly any sum of money or effects, or other property, from any person, for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependents of the collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLVI. If any native servant, or dependent of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of dewanny adawlut of the offences specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the collecter or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life grants applicable to grants for a term.

XLVII. All the rules in this regulation respecting lands now held, or that may be claimed to be held, exempt from the payment of revenue, under life-grants made previous to the date of the Company's accession to the sovereignty of Benares, are to be considered equally applicable to grants made previous to that date for a term only.

This regulation not to be considered to extend to badshahee grants.

XLVIII. No part of this regulation is to be construed to extend to jaghire, altumgha, muddud-maash, aymah, or other grants of land termed badshahee or royal, and held or stated to be held, under a royal firmaun. The rules applicable to such grants, are contained in Regulation XLII, 1795.

(*f*) The judges of the zillahs and cities, of the provincial courts of appeal, and of the Sudder Dewanny Adawlut are not now furnished with copies of the periodical registers, and of entries from the registers of intermediate resumptions. See the concluding part of the last section.

A. D. 1795. REGULATION XLII.

A REGULATION *for enacting with modifications, the rules for trying the validity of the titles of persons holding, or claiming a right to hold, altumgah, jaghire, and other lands, in the province of Benares, exempt from the payment of public revenue, under grants termed badshahee or royal, or made by the supreme power for the time being; and for determining, when certain grants of that description, shall be considered to have expired; and for fixing the amount of the public revenue to be assessed upon the lands, the grants for which may expire, or be adjudged invalid.*—PASSED *by the Governor General in Council, on the 31st July 1795; corresponding with the 18th Sawun 1202 Bengal era; the 29th Sawun 1202 Fusly; the 18th Sawun 1202 Willaity; the 29th Sawun 1852 Sumbut; and the 13th Mohurrum 1210 Higeree.*

BY the antient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of government's proportion of the produce of land without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native government, grants, under the denomination of jaghire, altumgah, and other appellations, were occasionally made of the government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The british government have continued in possession the grantees, and their heirs, as far as respects such of these grants as were hereditary, and were made before the 1st July 1775, the date of the cession of the province of Benares to the Company, provided the grantees or their heirs obtained possession previous to that date; but those grants which were for life only, have been invariably considered as resumable from the death of the grantees. No complete register of these grants having been formed on the cession of the province to the Company, nor subsequent to that period, many persons may have retained possession of lands under fabricated or antedated grants, or succeeded to life grants on the demise of the original grantee, or former possessor, without the sanction of government. The Governor General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands, the grants for which may expire; but at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, he is equally solicitous that persons holding lands under grants that are declared valid, should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice, or extortion, in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants, (provided the grantees, or persons in possession, register their grants as required in this regulation,) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee, or present possessor, shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of government; and further that government and its officers, may at all times have in their possession a correct register of the lands held exempt from the payment of revenue under badshahee grants, the following rules have been enacted.

Definition of the term badshahee grant.

II. *First.* The term, badshahee grant, is to be construed to extend to all grants made by the supreme power for the time being; and consequently to include grants

of

of the following descriptions: 1st, royal grants, properly so called; 2dly, grants made by the soobahdars of Oude; and 3dly, grants made by the authority of the british government.

Second. Altumgah, jaghire, aymah, muddud-maash, or other badshahee grants, for holding land exempt from the payment of revenue, made previous to the 1st of July 1775, the date of the cession of the province of Benares to the Company, shall be deemed valid, provided the grantee, actually and bonâ fide, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 1st July 1775, and that it has not been since confirmed to him by the authority of the Governor General in Council, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of government, the grant shall not be deemed valid.

Badshahee grants made previous to the 1st July 1775, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the 1st of July 1775, of no validity, if possession was not obtained prior thereto, or has not been since confirmed, or if they shall have since been resumed by authority.

Third. In the event however of a claim being preferred by any person to hold land exempt from the payment of revenue, under a badshahee grant made previous to the 1st July 1775, and on it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of government, and the court shall entertain doubts as to the competency of such officer under the powers vested in him, to resume the grant, and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant, and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim however to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue, for the twelve years preceding the date on which the claim may be instituted, shall be heard by any court of dewanny adawlut, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by section VIII, Regulation VII, 1795.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of government who may have resumed badshahee grants of land made before the cession.

Claim to hold exempt from revenue under badshahee grants, lands that have paid revenue for twelve years, not to be heard.

Exception.

Fourth. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold land paying revenue to government exempt from the payment of revenue, under a jaghire or other grant, made previous to the 1st July 1775, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue, land paying revenue under a life grant made before the cession.

Fifth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a jaghire, or other badshahee life-grant, made previous to the 1st of July 1775, to succeed to, and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the 1st July 1775, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Sixth. The present possessors of lands now exempt from the payment of revenue under such jaghire, or other life-grants, made previous to the 1st of July 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or

The present possessors of such life grants, prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

All grants made or confirmed since the 1st July 1775, excepting by the authority of government, or its officers duly empowered, declared invalid.

III. *First.* All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 1st of July 1775, by any other authority than that of government, and which may not have been confirmed by government, or by any officer empowered to confirm them, are declared invalid. But grants of land held exempt from the payment of revenue under grants made by the residents at Benares since the 1st of July 1775, are not be annulled by the decree of the city or any zillah court, but the judge is to proceed with them, as directed with regard to the grants mentioned in clause third, of this section.

Exception.

Case of lands granted in 1781, to certain dispossessed zemindars in lieu of malik-kanah.

Second. The Governor General in Council having determined on the 11th April 1788, that the lands assigned in the year 1781 in lieu of malik-kanah, to certain dispossessed zemindars, should not descend to the heirs of the present incumbents without his express orders for that purpose, the judges and the collector are to attend to this rule, and the latter is accordingly to attach such lands on the demise of the present holders, until the determination of government respecting them be received.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grants.

Third. If doubts shall be entertained by any court, as to the competency of the authority of any officer to confirm any grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Questions regarding the proprietary right in lands included in grants, to be determined in the dewanny adawlut.

IV. It is to be understood that this regulation respects only the government proportion of the revenue arising from lands, held or claimed to be held, under badshahee grants, and whether government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the zemindarry or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the dewanny adawlut.

Collectors to attach the revenue of lands included in escheated grants.

V. When a jaghire, or other life grant, shall escheat to government, the collector is immediately to attach the revenue of the lands, and report the circumstances to the Board of Revenue, (g) who are to obtain the orders of the Governor General in Council, regarding the resumption of the grant.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulation for the decennial and quartennial settlements.

VI. When any badshahee grant shall be resumed, or expire, or escheat to government, the revenue to be paid to government from the lands included in it shall be assessed, and the settlement made in perpetuity, agreeably to the rules contained in Regulation V, 1795, with the person possessing the zemindarry or proprietary right in the lands whoever he may be. If the proprietor shall refuse to pay the jumma demanded of him, the land shall be held khaus, or let in farm.

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VII. It is to be the duty of the collector, after receiving the sanction of the Board of Revenue for that purpose, as directed in section IX, to prosecute in the courts of dewanny adawlut on behalf of government, for the resumption of grants that are declared invalid by this regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.

Commission of twenty-five per cent to be received by collectors on the permanent jumma of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.

VIII. The collector shall receive a commission of twenty-five per cent on the amount of the jumma which may be assessed in perpetuity, on the lands contained in grants that may be resumed in consequence of suits which may be prosecuted by him to a final judgment. A collector who may institute suits for the recovery of the public

(g) The duties, powers, and authority of this Board in Benares, have been transferred to the Commissioner appointed under R. 1, of 1816, who is to be understood instead of the other, whenever the latter may be named or intended throughout this Regulation.

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dues from lands, but who shall not prosecute them to a final decision whilst he may hold the office, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collector, who may prosecute the suit to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collector, by whom the suits may have been instituted, or to the collector, who may have succeeded the collector who instituted the suits, and preceded the collector by whom they may have been prosecuted to a final decision. (*h*)

Collector to report to the Board of Revenue, whenever he may receive information of land held under an invalid grant.

IX. When a collector shall have reason to believe that land is held by any person exempt from the payment of revenue under a grant that is declared invalid by this regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limitted in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limitted time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him, to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee or possessor, as they may judge proper upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession, shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of government, until the grantee or person in possession, shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing; and in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding lands under any grant to produce his title deeds or writings, (excepting for the registry of them by the publication specified in section XX,) or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collector, to order suits to be instituted for the resumption of grants, which they may have ground to believe are invalid.

Board if they see grounds empowered to order the collector to sue for the resumption of the grants, may require the person in possession to deliver up his title deeds,

And may fine him on his refusing to deliver up the writings upon the first requisition,

And levy the amount in the same manner as arrears of revenue;

And attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collector.

Persons claiming to hold lands paying revenue, exempt from revenue under badshahee grants, to sue government.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue, under a badshahee grant, must institute his claim against government, who alone can be the defendant in such suits, in the dewanny adawlut in the jurisdiction of which such lands are situated, in the same manner as in cases where

(*h*) If circumstances should prevent the forming of a permanent settlement of lands adjudged, to pay revenue under this section, the Governor General in Council declares it optional in him in such cases, to grant a commission to the collector on whatever amount he may deem an equitable jumma. See R. 58, of 1795, S. 2.

individuals

individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue, under grants not of the description of those termed badshahee, in virtue of Regulation XLI, 1795. The collector of the revenue is to defend all such suits as may be instituted against government, and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended or prosecuted by the vakeel of government, under the instructions of the collectors; and in the event of government being cast, either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in section XXXVII, Regulation VI, 1795, and the other sections in that regulation, respecting decisions given against a collector in the city or any zillah court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expense of government, and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the city or zillah court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or nor in either case, as may appear to him proper. (i)

Collector to defend the suit.

Vakeel of government to defend or prosecute suits instituted against, or by government.

Rules to be observed by the collector in the event of government being cast wholly or in part.

XI. If a suit shall be brought before a court of judicature by a collector on the part of government for the resumption of a grant, or by any individual against government, to hold exempt from the payment of revenue under a grant, lands paying revenue to government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favor of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.

Courts to award adequate costs and damages, in cases of prosecutions being instituted on insufficient grounds, under this regulation.

XII. If it shall appear to any court of judicature during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Grants forged or altered in any respect, or antedated, declared void.

XIII. Any person by whom any of the frauds specified in the preceding section, may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, (according to the circumstances of the case,) to take his trial before the court of circuit.

Persons concerned in these frauds liable to a criminal prosecution.

XIV. Where a grant may be adjudged invalid, and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the city or a zillah court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands from the date of such first decree, adjudging the land subject to the payment of revenue.

Proprietors of land included in resumed grants, to pay the jumma from the date of the first decision, adjudging the land not exempted.

XV. Altumgah, aymah, and muddud maash grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them

Cases in and rules under which certain grants are to be transferrible.

(i) See R. 2, of 1814, regarding the trial of suits proposed to be instituted against any of the public officers, who have been declared amenable for acts connected with the discharge of their official duties, to the courts of civil judicature.

may

may be hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the british government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. (j) But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the british government, or its officers, possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation. Jaghires are to be considered as life tenures only, and with all other life tenures, are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire, or escheat to government, the name or names of *the mohauls and villages, or lands included in the grant, and the measurement thereof,* (k) the purgunnah in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by section XXVIII, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by section XVII, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions and occurrences, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to government, directed to be kept by section XVI, Regulation XIX, 1795, in order that the land may be recorded in its proper place, as an estate paying revenue to government, in the next quinquennial register which may be formed agreeably to the above mentioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register, and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations, in which the above required entries may be made, and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of lands included in grants that may become liable to the payment of revenue.

Second. When land now subject to the payment of revenue, shall be finally adjudged on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of *the mohauls, villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof,* (l) the purgunnah in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree, or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XIX, 1795, and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, *in which such mohauls, villages, or lands, may be recorded,* (l) that the lands included in the grant may be omitted in the quinquennial register which may

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

(j) The succession to lakheraje or to malguzarry lands, by R. 8, of 1800, S. 21, is required to be forthwith reported to the collector of the place, together with other necessary information, to enable him to make the prescribed entry in the public registers, under the penalty of a fine.

(k) Rescinded by R. 8, of 1800, S. 11 and 12. See therein what entries are to be made in the different registers required to be kept by this regulation.

(l) Rescinded by R. 8, of 1800, S. [illegible] See the last note.

may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences, directed to be kept by this regulation, in which such entries are also to be recorded, that they may be inserted in their proper place, in the periodical register of grants that may be next formed, and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of badshahee grants to be prepared every five years.

Contents of the register.

XVII. That government and its officers may have in their possession at all future periods, a complete register of all the lands in the province, held exempt from the payment of revenue under badshahee grants, a register of all such grants shall be formed every five years. The register is to specify the denomination of each grant, whether altumgha, jaghire, or other tenure; the name of the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, *the names of the mohauls and villages or lands comprised in the grant, or in which the grant may be situated,* (m) the person or persons possessing the zemindarry or proprietary right in the lands, *the measurement in beegahs of the mohauls and villages or lands included in the grant;* (m) and the name of the purgunnah and sircar in which the land granted may be situated. The register shall be denominated, the "Periodical Register of lands held exempt from the payment of revenue under badshahee grants." (n)

Denomination of the register.

Board of Revenue to prepare a form for the periodical register. Collectors to adhere to this form.

XVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collector, who is strictly enjoined to adhere to it.

Holders of grants allowed one year to register them, from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of the public revenue under badshahee grants, and whether made or confirmed by the government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector upon the receipt of this regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this regulation, and take a receipt from the holder of such grant, or the person intrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XLII, 1795, every person being actually in possession of altumgha, jaghire, aymah, muddud-maash, or other land in the province of Benares, now exempt from the payment of revenue, and held under badshahee grants, whether made or confirmed by the government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector, before the expiration of one year from the date of this publication. If any holders of such grants shall not register their grants, either in person, or by a vakeel with a vakaulutnamah, attested by two

(m) Rescinded by R. 8, of 1800, S. 11 and [illegible] see the two last notes.

(n) The canoongoes in the province of [illegible] are also required, as a part of their fixed duty, to keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to government. See R. 4, of 1808, S. [illegible] number 2. By R. 8, of 1800, a general purgunnah register of lands, mulguzarry and lakheraje, and an [illegible] purgunnah register, are directed to be established in the offices of the collectors of revenue, and to be [illegible] every five years.

credible

credible witnesses, and given for the express purpose of registering the grant, the grants will be considered liable to resumption, and the lands chargeable with revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

Denomination of the grant, whether altumgha, jaghire, or other tenure.

By whom granted.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the grant.

The name or names of the mohauls or villages or lands comprised in the grant, or in which the land may be situated. *(o)*

The names of the zemindar, or other proprietor of the mohauls or villages, or lands included in the grant, whether such zemindarry or proprietary right, shall be vested in the grantee, or any other person.

The measurement of each mohaul or village, or the land included in the grant. *(o)*

The purgunnah or purgunnahs in which the lands may be situated.

A copy of the original grant, and other writings, under which the land may be held.

Grants not registered within the prescribed time, declared liable to resumption unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant, by such omission, shall become subject to resumption, and the lands shall become liable to the payment of revenue to government. The Governor General in Council however reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause to his satisfaction for not having registered it within the limitted period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register. *(p)*

Grants not registered within the prescribed period, or admitted by the

XXII. After the expiration of the period limitted for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admit-

(o) The particulars specified in this and the next paragraph, are not to be stated in the registers directed to be kept by this regulation. See R. 8, of 1800, S. 11 and 12.

(p) By R. 8, of 1800, S. 19, wherever the publication prescribed in the preceding section was not duly made, the collectors were directed to make it, and the period of one year was allowed for the registry of exempted lands after the making thereof. But after the expiration of the allotted time, any lands exempted from the payment of revenue, found not registered, provided the publication was duly made, became subject to the payment of the public revenue. By S. 20 of the same regulation, the proprietors of estates paying revenue to government, are required to give notice to the collectors of the establishment of new villages on their estates, under certain penalties; and they are declared liable to the forfeiture of such portion of their estates if proprietors, or if not proprietors, to a fine, for any wilful omission in the village statements required to be furnished by them to the collectors for the purpose of preparing the public registers. The collectors are entitled to a commission of twenty five per cent. on the jumma assessed in perpetuity on lands under this section; the commission is payable to the collector discovering and reporting the omission of the registry, unless the Governor General in Council should deem it equitable to give the whole, or a part, to any other collector; and should circumstances prevent the forming of a settlement in perpetuity, the Governor General in Council declares it optional, to grant a commission on what he may deem an equitable jumma. See R. 58, of 1795. S. 2.

ted

Governor General in Council, to be considered forfeited.

ted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue agreeably to the rules prescribed for the permanent settlement.

Registry of grants not to be considered as an admission of the possessors proprietary rights in the soil, nor of the validity of the grants.

XXIII. It is expressly declared however, that the registry of a grant under this regulation, is not to be considered as an admission of the right of the person in whose name it may be registered, to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the dewanny adawlut for the former, and he will be liable to be sued for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the grant is invalid.

Collector to prepare the register upon the expiration of the period limitted for the registry of the grants.

Inscription on the back of the register.

XXIV. Upon the expiration of the period for registering the grants, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it, "Periodical Register formed under Regulation XLII, 1795, of altumgha, jaghire, and other lands, held exempt from the payment of revenue under badshahee grants in the province of Benares, at the commencement of the year ———, Fusly era, corresponding with the year of the Christian era ———, number ———." Each leaf of the book shall be paged, and be signed by the judge of the dewanny adawlut of the city of Benares, and on the last leaf of the book, he is to note in his own hand writing, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic, but such as may be entered in a book so paged and attested. The first periodical register is to be numbered One.

Book to be paged, and each page to be attested by the judge of the city.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207, and to be numbered Two, and the subsequent registers in their order.

XXV. The second periodical register is to commence with the year 1207 of the Fusly era. This register is to be numbered Two, and the periodical register to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the english periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the dewanny adawlut of the city of Benares, in the same manner as the books containing the English register; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers are to be kept in the persian language, *and the hindostanee language and Nageree character.* (q)

Manner in which resumptions and other occurrences regarding grants, in the intervals between the forming of the periodical registers, are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second, and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The Register "of intermediate resumptions or other occurrences, respecting altumgha, jaghire, or "other badshahee grants," and shall have the following inscription on the back, "Re-"gister formed under Regulation XLII, 1795, of intermediate resumptions, or other "occurrences respecting altumgha, jaghire, or other lands, held exempt from the "payment of revenue under badshahee grants, in the province of Benares, between "the commencement of the year ———, and the end of the year ———, Fusly "era." Previous to any entries being made in this register, it is to be paged, and the judge of the dewanny adawlut of the city of Benares, is to sign each leaf of it,

(q) Rescinded by R. 8, of 1800, S. 15. The counterpart registers are directed to be kept in the persian language only.

and

and on the last leaf, note in his own hand writing the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in section XX, which the Governor General in Council may order to be admitted upon the register under section XXI, all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from, or annexed to, the province of Benares, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences, in the cases specified in section XVI, in which entries are directed to be made in that register.

Documents respecting grants to be furnished by collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two or more collectorships.

XXIX. In the event of the province of Benares being divided into two or more collectorships, and of mohauls being ordered to be separated from one collectorship, and annexed to another, the collector from whose district the separation is to take place, is to transmit to the collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the badshahee grants in such mohauls, and also of any entries respecting them in the register of intermediate occurrences, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made, is to transmit to the judge of the dewanny adawlut from the jurisdiction of which the lands may be ordered to be separated, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register and register of intermediate occurrences, which may relate to the grants to be separated from his district; and the collector to whose district the annexation may be made, is to transmit copies of the abovementioned entries, (with which he is directed to be furnished in the preceding section,) to the judge of the jurisdiction to which the lands may be annexed. Immediately on the receipt of these papers, the court of dewanny adawlut from the jurisdiction of which the separation may be made, is to transmit the papers in any causes depending before it, which in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collector enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The collector is to attest all entries in the register of intermediate resumptions and occurrences, with his official signature, and he is strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries, immediately upon any resumptions or other occurrences taking place.

Counterpart of the english register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences, is to be kept by the keepers of the native records in the same form as the english register, and in a book the leaves of which are in like manner to be paged, and attested by the judge of the dewanny adawlut of the city of Benares.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences, are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the city of Benares as directed in section XXIV, if it shall be discovered that the entries respecting any grant are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert in red ink opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences, in which the errors or omissions

sions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences, are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register, and register of intermediate occurrences in the native languages.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the english registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages, in addition to the attestation of the keepers of the native records, shall be signed by the collector.

Persons in possession of the proprietary right in the land, to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a badshahee grant, shall be under litigation in a court of justice at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collector for preparing the registers.

XXXVI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collector with such records or information as they may possess regarding the exempted lands in the province, as well to assist him in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon him in registering the grants, as to aid him in ascertaining what lands now held exempt from the payment of revenue, under grants that are liable to the payment of revenue according to this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective zillahs.

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurences.

XXXVII. The collector is to transmit to the Board of Revenue as early as may be practicable, an attested copy of the periodical registers, both in the english and the native languages, each in a book of the prescribed size, paged and attested by the judge of the dewanny adawlut of the city, in the same manner as the original register, as directed in section XXIV, and within one month after the expiration of the third, sixth, ninth, and twelfth month, of the Fusly year, an attested copy of the entries in the register of intermediate resumptions and occurrences, that may have taken place during the three preceding months. (r) *The collector is to transmit similar copies of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the several courts of dewanny adawlut in the province, and to the provincial court of appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collector.* (s)

(r) The copies of the periodical registers in the english and persian languages, and the copies of the entries from the registers of intermediate resumptions, are to be transmitted to the Accountant to the Commissioner in Behar and Benares, (substituted for the Board of Revenue) to whom certain duties are prescribed upon the receipt of them. See R. 8, of 1800, S. 16.

(s) Rescinded by R. 8, of 1800, S. 15.—See other and further rules therein.

XXXVIII.

XXXVIII. The courts of judicature, the Board of Revenue, and the collector, are enjoined to be particularly attentive to the preservation of the periodical registers, and registers of intermediate resumptions and occurrences, both in the english and native languages, *and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.* (t)

Courts, the Board of Revenue, and the collector, are to be careful to preserve the periodical registers, and registers of intermediate resumptions.

XXXIX. The periodical register which is to be formed in the province of Benares at the commencement of the Fusly year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or any exempted lands that may have been separated from the province, and with the addition of any such lands that may have been annexed to it, or that may have been admitted upon the register by the Governor General in Council under section XXI, also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a badshahee grant, by a final decree of a court of judicature in a suit instituted under this regulation. (v) The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XL. If it shall be proved to the satisfaction of the judge of the dewanny adawlut of the city or any zillah, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person, for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for native officers receiving money or property on account of the registry of grants.

XLI. If any native servant, or dependent of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of dewanny adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to government, with costs to the party suing, and be confined for six months, and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property, and the collector or the assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Penalty for private servants, dependents of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLII. *First.* No part of this regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue under grants not being of the description of those termed badshahee or royal, under the explanation of this term contained in clause first, section II. The rules applicable to such grants, are contained in Regulation XLI, 1795.

Regulation not to be considered to extend to grant not badshahee.

Second. Nor to any of the peshkushy mohauls specified in section XVII, Regulation II, 1795.

Nor to certain mohauls termed peshkushy.

(t) The judges of the zillahs and cities, of the provincial courts of appeal, and of the Sudder Dewanny Adawlut are not now furnished with copies of the periodical registers, and of entries from the registers of intermediate resumptions. See the concluding part of the last section.

(v) The courts of judicature passing a decree changing the proprietary right in or possession of lands malguzarry and lakheraje, are directed to furnish a copy of it to the collector where the land may be situated, and the Commissioner in Behar and Benares, twenty days after passing it, for the purpose of preserving correct the different registers of land kept by the collectors under this and other regulations. See R. 8, of 1795, S. 4, and R. 58, of 1795, S. 3 and 4.

REGULATION XLIII.

A. D. 1795. REGULATION XLIII. (u)

A REGULATION *for enacting into a regulation, the rules passed on the 18th February, 1789, and 24th December 1790, for granting lands to discharged native invalid officers, and private soldiers, in the province of Benares.*—PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

ON the 18th February 1789, and the 24th December 1790, certain rules were passed for granting lands to discharged native invalid officers, and private soldiers, in the province of Benares. The invalids to whom grants of land have been made under these rules, are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service. They are the tenants of the zemindars of whom they hold the lands, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure to the holders of these grants the rights and privileges which they derive under their tenures, such part of the rules abovementioned, as come within the description of the rules and orders specified in section II, Regulation XLI, 1793, are hereby enacted into a regulation.

Invalids allowed the portion of land herein specified, upon taking a discharge from the service.

II. Rules passed on the 18th February, 1789. *First.* The invalid native troops now at Monghyr, and those who shall be hereafter invalided, who may be desirous of receiving grants of waste land, in lieu of the pay allowed to them by government on the Boghpore establishment, upon taking a final discharge from the service, shall be entitled to the same in the following proportions, according to their ranks.

Commandants of infantry and russaldars of cavalry, Begahs.	600
Subadars of ditto, and first jemadars of ditto,	400
Jemadars of ditto, and second jemadars of ditto,	200
Havildars of ditto, and first duffadars of ditto,	120
Naiks of ditto, and second duffadars of ditto,	100
Sepoys and troopers,	80

Serangs, as jemadars.
Tindals, as havildars.
Cossobs, as naiks.
Lascars, as sepoys.

Lands may be granted where the invalids may point out.

Second. The lands shall be granted in such villages as each individual may point out.

Exception.

Third. Should any objection occur to the resident at Benares to granting waste lands to any individual in the village which he may fix upon, he is to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection may exist.

Rules to be observed in selecting lands for invalids.

Fourth. The resident at Benares is directed to make it a rule to select as far as may be in his power, such tracts of waste land for the invalids as may be brought into

(u) This regulation contains the same provisions as those in S. 33, R. 43, of 1793. The assignment of lands as jaghires to invalid native commissioned and non-commissioned officers and privates for their support on retiring from the service, has been discontinued since the [illegible] April, 1811, and they are now entitled only to the invalid pay of their respective ranks, during their lives, as established by the orders of Government under date the 15th February 1811.—See R. 2, of 1811, and R. [illegible], of 1814, for securing to the invalid native officers, soldiers, and others, such invalid pay or pension.

cultivation

cultivation with the least difficulty, and at the smallest expense, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and he is to give a preference to lands contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring with greater facility, such assistance as may be requisite for enabling them to establish themselves upon their lands.

Fifth. The original grantees shall hold the lands allotted to them rent-free for life, without being subjected to any tax, or demand whatever.

Original grantee to hold the lands rent-free for life.

Sixth. The sunnuds for the lands so granted in the zemindarry of Benares, are to be made out under the seal of the rajah, with a purwannah of confirmation under the seal and signature of the resident, who is required to keep a register of all such grants, and to transmit copies thereof annually to the Governor General in Council.

Sunnuds for the land by whom to be granted.

Seventh. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed jumma, to be assessed by the resident with the consent of the rajah, upon an estimate of the neat annual produce, after deducting one tenth therefrom to be annually paid by the mocurrerry holder to the zemindar as malconnah, or to government, if the estate or talooka be amauny, such mocurrerry holders shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Eighth. The resident having fixed the rent to be paid to government, and the amount payable to the zemindar as malconnah, or the consideration to the same amount to government, as directed in the preceding article, shall cause mocurrerry sunnuds to be drawn out and authenticated in the mode prescribed in clause sixth, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity as long as they shall continue to discharge the rent and the malconnah, or the consideration to the same amount to government, (according as the lands may be amauny or otherwise,) with which they may be so assessed.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the malconnah and rent.

Ninth. If the original grantee shall die within five years from the date of the grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed; at the expiration of which, the lands shall be assessed and held by them as directed in the two preceding clauses.

Terms on which the heirs of invalids who may die within the first five years, are to succeed to the lands of the deceased.

Tenth. Should any of the mocurrerrydars aforesaid omit to discharge the amount of the government's rent and the malconnah payable to the zemindar, or the consideration to government, (according as the lands may be amauny or otherwise,) their mocurrerry leases, with the rights and privileges thereto annexed, are to be sold to the best bidder for the liquidation of the amount of the demands against them.

Consequences ensuing from the non-payment of the rent or malconnah.

Eleventh. In order the men who may be placed on this establishment may be the better enabled to provide themselves with the implements of husbandry, and the means of cultivating the lands assigned to them, a gratuity in money shall be granted to them in the following proportions:

Gratuity in money to be granted to invalids.

To each	rank entitled to receive	600	begahs,	Sa. Rs.	150
Do.	do.	400	do.		100
Do.	do.	200	do.		50
Do.	do.	120	do.		30
Do.	do.	100	do.		20
Do.	do.	80	do.		15

Twelfth. Rule passed on the 24th December 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed jumma to be assessed upon such lands after the death of the original

Landholders not to be subject to the payment of any increase of revenue to government for the rent herein specified.

original grantee, shall belong to the proprietor of the village in which such lands may be situated, and he shall not be subject to any additional demand on the part of government on account thereof, during the term of the engagements that may exist between him and government, at the time that the lands so granted may become liable to the payment of such jumma.

Annual register to be forwarded by the collector.

III. The annual register directed in clause sixth, to be kept by the resident and forwarded to the Governor General in Council, is from the date of the abolition of the residency, to be prepared by the collector, and forwarded by him to the Board of Revenue. *(w)*

No lands to be granted in future under the foregoing articles.

IV. No provision in land shall be granted to invalids in future under the rules contained in section II, which are to be considered as applicable to such grants only as have been already made in conformity to them.

A. D. 1795. REGULATION XLIV.

A REGULATION *for removing certain restrictions to the operation of the hindoo and mahomedan laws, with regard to the inheritance of landed property subject to the payment of revenue to government, in the province of Benares.*—PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

ON grounds similar to those stated in the preamble to Regulation XI, 1793, for removing certain restrictions to the operation of the hindoo and mahomedan laws with regard to the inheritance of landed property subject to the payment of revenue to government, in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted for the province of Benares.

After the beginning of the Fusly year 1204, landed property to descend according to the mahomedan or hindoo law, unless the last proprietor shall have otherwise disposed of it in a manner sanctioned by those laws.

II. After the first day of the Fusly year 1204, if any talookdar, zemindar, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the mahomedan or hindoo law, (according as the parties may be of the former or latter persuasion,) may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares to which they may be so entitled.

Two or more persons succeeding to an estate, to be at liberty to hold it as a joint undivided estate.

Or one or more, or all of the sharers allowed to have separate possession of their shares;

III. If any talookdar, zemindar, or other actual proprietor of land, shall die subsequent to the period specified in section II, without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the mahomedan or hindoo law, (according as the parties may be of the former or the latter persuasion,) shall be respectively entitled to succeed to a portion of the landed property of the deceased under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one, or more, or all of the sharers, shall be desirous of having separate

(w) The duties, powers, and authority of this Board in Benares, have been transferred to the Commissioner appointed under R. 1, of 1816, who is to be understood instead of the other, wherever the latter may be named or intended in this regulation.

possession

possession of their respective shares, a division of the estate shall be made in the manner directed in Regulations XXV, 1793, and XXVI, 1795; (x) and such sharer or sharers shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

Or two or more of the sharers permitted to hold their shares as a joint undivided estate.

Shares held separate, how to be assessed.

IV. It is to be understood, that if any one or more of such sharers, shall apply to have the separate possession of his or their share or shares, the proportion of the public jumma charged upon the whole estate which is to be assessed upon such share or shares, is to be adjusted according to the rules prescribed in section VII, Regulation XXVII, 1795.

This regulation not to be in force until the beginning of the Fusly year 1204, and then not to operate retrospectively.

V. Nothing contained in this regulation, is to be construed to entitle any person to a share of an estate which may be now held entire by any individual, or that may devolve entire to any individual prior to the beginning of the Fusly year 1204, in exclusion of the other heirs of the last proprietor, under the custom in virtue of which such individual may so hold or succeed to the whole of such estate, and for the future abolition of which this regulation is enacted; but such person or persons are to be considered bound in the cases specified in clause tenth, section XXXV, Regulation XXII, 1795, by what they had acquiesced in.

Nor to prevent persons transferring their property in the manner and to whom they may think proper, provided the transfer be not repugnant to the hindoo or mahomedan law, or the regulations of the Governor General in Council.

VI. Nor to prohibit any actual proprietor of land, bequeathing or transferring by will, or by a declaration in writing, or verbally, either prior or subsequent to the Fusly year 1204, his or her landed estate entire, to his or her eldest son, or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner, which such proprietor may think proper, provided that the bequest or transfer be not repugnant to any regulations that have been or may be passed by the Governor General in Council, nor contrary to the hindoo or mahomedan law, and that the bequest or transfer, whether made by a will or other writing, or verbally, be authenticated by, or made before, such witnesses and in such manner, as those laws and regulations respectively do or may require.

A. D. 1795. REGULATION XLV.

A REGULATION *for empowering talookdars, zemindars, and all other descriptions of landholders, and farmers of land, in the province of Benares, to distrain and sell the personal property of under farmers, ryots, and dependent zemindars, and putteedars, and, (in certain specified cases,) their sureties, for arrears of rent or revenue; and for preventing landholders and farmers of land in the said province, confining or inflicting corporal punishment on their under farmers, ryots, and dependent zemindars, and putteedars, or their sureties, to enforce payment of such arrears.*—PASSED *by the Governor General in Council, on the 28th August* 1795; *corresponding with the* 14*th Bhadoon* 1202 *Bengal era; the* 28*th Bhadoon* 1202 *Fusly; the* 14*th Bhadoon* 1202 *Willaity; the* 28*th Bhadoon* 1852 *Sumbut; and the* 12*th Suffer* 1210 *Higeree.*

THE regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under farmers, ryots,

(x) Both these Regulations have been rescinded by R. 19, of 1814, S. 2, which contains the existing rules regarding the partition of estates paying revenue to government.

ryots, and dependent zemindars, and putteedars, to enforce payment of arrears of rent or revenue; many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the regulations tending to skreen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other; and it being as essential to the prosperity of the country, and the punctual collection of the public revenue, that landholders and farmers of land, should have the means of compelling payment from defaulters, without being obliged to have recourse to the courts of justice, and incurring the delay and expense necessarily attending a law-process for the recovery of every arrear, as that under farmers, ryots, and dependent zemindars, and putteedars, should be protected from oppression and unjust demands; the Governor General in Council, with a view to the attainment of these important objects, has passed the following rules. *(y)*

What persons may distrain. Whose and what property is liable to distraint and sale.

II. Talookdars, zemindars, and other actual proprietors of land, and farmers of land who hold their farms immediately of government, are empowered to distrain without sending notice to any court of justice, or any public officer, the crops and products of the earth of every description, the grain, cattle, *(z)* and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person, within or without the limits of the estate or farm of the distrainer, belonging to their under renters and ryots, and the dependent zemindars, and putteedars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependent zemindars, and putteedars, distinct or common, for the recovery of arrears of rent from their under farmers, and ryots, and also in under farmers who farm lands from talookdars, zemindars, putteedars, or other actual proprietors of land, or farmers of land, who hold their farms immediately of government, to enable such under farmers to enforce payment of arrears of rent or revenue from their dependent zemindars, putteedars, or under farmers, or ryots. The several descriptions of landholders and farmers of land above specified, are to exercise the powers hereby vested in them under the following rules and restrictions. *(a)*

What property is not liable to distraint and sale.

III. Persons vested with the power of distraint, shall not distrain or sell the lands, houses, or other real property of their under farmers, and ryots, or of the zemindars or putteedars paying revenue through them; nor goods or advances belonging to the Company; nor the loom, thread, unwrought silk, or materials of manufacture, of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under farmer, ryot, or dependent zemindar, or putteedar. All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged, or injured, or shall not be forthcoming, and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

Distraint and sale of it, illegal and void.

Penalty.

(y) See additional rules in R. 5, of 1800, from S. 14 to S. 20, inclusive, and in R. 5, of 1812, S. 15 and 16.

(z) Bullocks and other cattle employed in agriculture, ploughs and other implements of husbandry, and tools of artisans, are not subject to distress and sale for arrears of rent, although the defaulter should not possess other property. See R. 5, of 1812, S. 14.

(a) The several descriptions of landholders and farmers of land have been empowered to delegate to their agents employed in the collection of their rents, the power of distraining on their behalf, who, in the exercise of this power are to be held responsible themselves, as well as their principals. See R. 5, of 1800, S. 2.

What property is not to be distrained, if other sufficient property can be attached.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under farmers, ryots, and dependent zemindars, or putteedars, shall not be distrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach other cattle, grain, or property, sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule, and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit. (b)

Penalty.

When under farmers, &c. are to be considered to have defaulted.

Sureties not exonerated by the distraint of the property of defaulters.

V. *Under farmers, ryots, and dependent zemindars, and putteedars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them, and also from their surety, if they shall have given security, and the surety shall be forthcoming;* (c) and when, as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

Penalty for attaching property if no arrear be due.

VI. If any person vested with the power of distraint, shall attach, or cause to be sold, the property of any under farmer, ryot, or dependent zemindar, or putteedar, for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay to him as damages a sum adequate to the value of such property, and all costs of suit.

Attachment not to take place if the defaulter shall tender the arrears upon demand.

VII. If the defaulter, in the presence of two creditable witnesses, shall tender the arrears demanded of him, to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

Distrainers to furnish the person they may depute to distrain, with a writing specifying the amount of the arrear, and the date on which it became due.

Copy of the writing, with list of the property distrained, name of the place, where it is lodged, and notice that it will be sold, endorsed thereon, to be delivered to the defaulter, or left at his place of residence, in case of his absence.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter, a writing under their signature, specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment, and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, (d) *with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place, or, if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored as directed in section XI, unless the arrear and expenses of the attachment shall be previously discharged.* (e) If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day, calculating from the day of the attachment. If any person vested with the power of distraint, shall cause property to be attached, without furnishing the agent whom he may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it, with the required endorsement to the defaulter,

Penalty.

(b) Modified by R. 5, of 1812, S. 14. See the note (a) to S. 2, of this regulation.

(c) Rescinded by R. 5, of 1800, S. 3. Undertenants to be considered defaulters for any arrears of rent withheld beyond the day on which they became payable. See the explanatory rules of that section.

(d) Modified by R. 5, of 1812, S. 13. The distrainer is required to furnish the defaulter with a written demand of the rent that may be due, accompanied with a *jumma wasil bakee*, exhibiting the grounds on which the distress may be made, either before or at the time of making the distress. This demand to be served on the defaulter personally in all practicable cases, otherwise to be affixed at his usual place of residence. Distraint and sale of property, if this rule be not observed, declared illegal and void.

(e) Rescinded by R. 5, of 1800, S. 4. The notice is required to state the rent due, and the intention of the distrainer to bring the property to an immediate sale, if the rent and expenses be not previously discharged.

defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limitted, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Attachment to be withdrawn, if the defaulter shall tender the arrear, and expenses of attachment, previous to the day of sale.

IX. If the defaulter shall tender payment of the arrear demanded of him in the presence of two creditable witnesses, after his property shall have been attached, and prior to the day fixed for its being put up to sale, and also of the necessary expenses attending the attachment, the distrainer shall receive the amount of such arrear and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the cauzy (f) of the purgunnah in which the distress may have been levied. The courts of dewanny adawlut, upon complaint made to them, are to punish any distrainer who may act contrary to this regulation, by awarding against him in favor of the party injured, damages according to the circumstances of the case, with all costs of suit.

Penalty.

Property distrained not to be taken out of the purgunnah.

Where to be kept.

X. Distrainers shall not drive or convey distrained cattle or other property out of the limits of the purgunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place as near as possible to the premises within the limits of the purgunnah.

Distrained crops and ungathered products of the earth, when to be reaped, or gathered, and where to be stored.

XI. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under farmers, ryots, or the zemindars, or putteedars, paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries, upon the premises, or, if there shall be no such places on the premises, in any barn or proper place which can be procured as near thereto as possible within the limits of the purgunnah. The expense of reaping, or gathering, and storing such crops or products, shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained cattle not to be worked, nor goods or effects used. Distrainers to provide food for cattle or live stock. Expense how to be defrayed.

XII. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale, in the event of its being sold.

Penalty for distrainers neglecting to take due care of the property distrained.

XIII. If property distrained shall be stolen, or lost, or be damaged, injured, or destroyed, by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.

Distress to be proportionate to the arrear.

Penalty for excessive distress.

XIV. The distress levied shall not be excessive, or in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the court of dewanny adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Attachment to be made between sun-rise and sun-set.

XV. All attachments shall be made after sun-rise, and before sun-set. If any person vested with the power of distraint shall seize, or attempt to seize, the property of

(f) Or the person who may be empowered to sell distrained property at the place where the attachment may be made. See R. 5, of 1800, S. 6.

any

any defaulter after sun-set and before sun-rise, for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear, and, if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Penalty for attaching property after sun-set, and before sun-rise.

XVI. If any under farmer, ryot, or dependent zemindar, or putteedar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the court of dewanny adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made, to pay to the distrainer damages adequate to the value of one half of the property, with costs of suit.

Transfer of a defaulter's property to prevent distraint, invalid.

Penalty for persons to whom such transfers may be made.

XVII. If any under farmer, ryot, or dependent zemindar, or putteedar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the court of dewanny adawlut shall cause him, and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the jail until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expenses attending the attachment, and costs of suit. (g)

Punishment for under farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

XVIII If any person not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the court of dewanny adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him as damages a sum equal to the value of such property, and all costs of suit.

Punishment for persons not being the owners, forcibly or clandestinely taking away property which has been attached.

XIX. Distrainers are empowered to force open any stable, cow-house, barn, golah, granary, or other building, and to enter any dwelling-house, the outer door of which may be open, (excepting the apartments in such dwelling-house which may be appropriated for the zenana or residence of women,) and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this regulation, shall be construed to authorize persons vested with the power of distraint, or their servants, or agents, to enter the zenana or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling-house the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling house, shall be imprisoned for six months, the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling house, or break open any stable, cow-house, barn, golah, granary, or other building, not occupied by, or in the possession of, the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor, for entering such house, or breaking open such stable, or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit. (h)

What places distrainers may force open to attach the property of defaulters.

Zenana or women's apartments not to be entered, whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apartments, or forcing open dwelling houses.

Penalty for entering any dwelling-house, or breaking open any place not occupied by, or in the possession of the defaulter, should no property belonging to him be found therein.

XX. After the expiration of the fifth day, and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property

Rules regarding the sale of distrained property.

(g) See the additional penalties denounced against persons resisting the attachment of property attached for the recovery of arrears of rent, in R. 5, of 1800, S. 9.

(h) Modified by R. 5, of 1800, S. 10. The outer doors of dwelling houses, and the zenana, in which a defaulters property may be lodged, or supposed to be lodged, may be forced open and entered, under certain precautions.

of

Distrainer to apply to the cauzy of the purgunnah to sell the property.

of a defaulter shall have taken place, or, if the property attached shall consist of crops, or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in section XI, the distrainer shall apply to the cauzy of the purgunnah to have the same appraised and sold. *(i)*

Acts to be done by the cauzy on receipt of the application, viz. To publish at the places herein specified, a list of the property; The place of sale; The day of sale; And the hour of the day when the sale is to be made;

Upon the receipt of such application, the cauzy shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice, which shall specify, first, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar, or haut, or any place of public resort, where the cauzy may be of opinion it is likely to sell to the best advantage; secondly, the day on which it is to be sold, *which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case, the sale shall be made on the fifteenth day, calculating from the day following the day on which such crops or products may be stored as directed in section XI; (j)* and thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble.

To appoint appraisers to value the property;

The cauzy shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed, shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. *(k)*

To fix up the paper of appraisement at the places herein specified;

The cauzy shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold.

To cause the property or samples of it to be brought and exposed at the place of sale;

The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case, samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose abovementioned.

To put up the property to sale in one, or two, or more lots; To dispose of the property to the highest bidder; To return any overplus in the proceeds to the defaulter; to sell further property for any deficiency;

The property shall be put up to sale in one lot, or in two or more lots, as the cauzy may think advisable. The property shall be disposed of for the highest price that may be offered for it. *(l)* If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency.

And to examine and check

The cauzy is in every case to examine the defaulter's statement of the expenses consequent to the attachment and sale of

(i) The application should state the description of the property, the amount of the arrear due, and the place where the property may be, or intended to be removed. See R. 5, of 1800, S. 4. The cauzies are not now generally empowered to act as sellers of distrained property: the application therefore should be made to the person who may be empowered to sell such property, whether he be the cauzy, or other person holding an express commission, or a commissioner appointed under R. 23, of 1814, for hearing and deciding civil suits, or a tehseeldar of the land revenue: the two last are generally empowered as sellers of distrained property, so long as they retain their commission or office. See S. 6. of the same regulation.

(j) Rescinded by R. 5, of 1800, S. 4. The sale to take place on as early a day as possible, allowing five days after the attachment. A publication of the sale to be made by beat of drum on one market day at least before the day of sale, as well as in the morning of the day of sale.

(k) The appraisers are to be persons conversant with the purchase and sale of the property to be sold, and the particulars of the appraisement are to be communicated to the defaulter, at least three days before the sale. See R. 5, of 1812. S. 18.

(l) The sale is to be postponed until the ensuing market day, should the price offered be less than the appraised value, when it is to be sold, whatever price, not less than the amount bidden on the first day of sale, may be offered for it. See. R. 5, of 1812, S. 19.

the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint, shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit. *(m)*

the distrainer's statement of expenses attending the attachment and sale. Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

XXI. The cauzy *(n)* is to be careful to prevent any unfair practices either in the appraisement, or sale of property. Upon proof being made before the court of dewanny adawlut of the city or zillah, of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit, and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such cauzy from his office.

Punishment for cauzies conniving at unfair practices, in the appraisement or sale of property.

XXII. The distrainer, the cauzy, *(n)* and the appraisers, are prohibited purchasing, directly or indirectly, any part of the property. Any cauzy or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it, in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the purchase money, which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such cauzy from his office. Distrainers acting contrary to the prohibition contained in this section, shall be compelled to restore the property to the defaulter, or the full value of it, if it shall have been injured, damaged, or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Distrainer, cauzy, and appraisers, not to purchase the property.

Penalty.

XXIII. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for, or purchase the property.

Defaulters not to bid for or purchase their property.

XXIV. The property shall be paid for in ready money at the time of sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be re-sold by the cauzy on such day as he shall fix, for the best price that may be offered for it. The first purchaser shall forfeit to the distrainer, ten per cent on the amount of the price at which he shall have purchased the property so re-sold, and make good to him any loss that may arise, as well as the expenses that may be incurred on the re-sale. If any profit shall accrue on the re-sale, it shall be carried to the credit of the defaulter.

Rule regarding the payment of the purchase money for distrained property.

XXV. Persons who tenant or underfarm lands in the name of their children, dependents, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement, but retain the actual management of the lands, and in fact are themselves the under farmers, or ryots, of such lands, shall to all intents and purposes be considered as the under farmers, or ryots, of such lands, and their property shall be liable to be distrained and sold for arrears under this regulation, in the same manner as if the engagement for the lands had stood in their own names.

Persons who under the names of sureties, farm or tenant lands in the names of others, to be considered the actual ryots, or farmers of such land.

(m) The sellers of distrained property are allowed a commission of one anna in the rupee on the amount proceeds of the sale, chargeable to the defaulter in common with other expenses. See R. 5, of 1800, S. 5.

(n) Or the person who may be employed in the sale of the property. See notes *(i)* and *(e)* to sections 20 and 27, C. 1, of this regulation.

XXVI

Landholders and farmers, prohibited confining or inflicting corporal punishment on defaulters, or their sureties.

XXVI. Landholders, and farmers of land, are prohibited confining or inflicting corporal punishment, on any under farmer, ryot, or dependent zemindar, or putteedar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer of land, shall offend against this prohibition, the person so punished or confined, shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal court, or to institute a suit against him in the dewanny adawlut of the jurisdiction, which court shall award damages against such offender according to the circumstances of the case, with costs of suit.

What persons are to perform the duties assigned to the cauzy, in the event of his absence, or of there being no such officer stationed in the purgunnah.

XXVII. *First.* In the event of the absence of the cauzy, or of there being no such officer stationed in the purgunnah, the aumil or tehseeldar, or in case of his absence, or of there being no such officer in the purgunnah, such person as the judge of the dewanny adawlut of the jurisdiction shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the cauzy is authorized or directed to perform by this regulation, and under the like restrictions and penalties, as far as the latter can be inflicted. *(o)*

Native commissioners appointed under Regulations XL, 1793, and XXXI, 1795, are empowered to sell distrained property.

Second. To facilitate further the sale of distrained property, every person having a commission from the judge of the jurisdiction to hear and determine civil suits not exceeding fifty rupees, under Regulations XL, 1793, and XXXI, 1795, *(p)* is authorized and required to dispose of under the rules prescribed to cauzies in this regulation, any property that may be distrained in the purgunnah in which he may reside, and for the sale of which application may be made to him; and where the number of persons vested with this authority in any purgunnah or district, shall be found insufficient, the judge is empowered to appoint such number as may appear to him requisite. But no person vested with the power of disposing of distrained property under this regulation, shall sell property that may have been distrained for arrears due to himself. Persons of this description, having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Heirs and successors of landholders and farmers, to distrain for arrears due to the deceased, if entitled thereto.

XXVIII. Upon the death of any person vested with the power of distraint by this regulation, his heirs or successors, who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters, and their sureties, in the cases authorized for the recovery of the same agreeably to this regulation. It is to be understood likewise, that managers of undivided estates belonging to two or more proprietors, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under this regulation, were they intrusted with the management of their own estates, subject however to the same rules, restrictions, and penalties.

Managers of undivided estates vested with the power of distraint.

Principals responsible for the acts of agents.

XXIX. If any gomastah, agent, servant, or officer, of any person vested with the power of distraint, shall attach or cause to be sold the property of any under farmer, ryot, or dependent zemindar, or putteedar, or their sureties, or do any act in the attachment or sale of it contrary to this regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale, or act, whether the same took place or was done by the orders, or with the knowledge of such principal or not. Nothing however contained in this section, shall subject a distrainer to imprisonment in the event of any person deputed by him to attach property, entering the zenana or apartments of women, or breaking open a dwelling house in opposition to the prohibition contained in section XIX, unless it

Exception.

(o) Modified by R. 5, of 1800, S. 6. The cauzies are not now generally empowered as sellers of distrained property: they must have an express authority in writing for that duty. Commissioners appointed for the hearing and deciding of civil suits under R. 23, of 1814, and tehseeldars of the land revenue, are, ex-officio, commissioners for the sale of distrained property.

(p) Both these Regulations have been rescinded by R. 23, of 1814, S. 2, in which will be found the rules regarding munsiffs or native commissioners, and of suddur aumeens or head commissioners.

shall

shall be proved that such acts were done by the order, or with the consent or knowledge of such distrainer. (q)

XXX. Nothing contained in this regulation shall be construed to prohibit persons entitled under this regulation to distrain, from attaching the standing crops of the under ryots who cultivate on the betay tenure, and appropriating the moiety in value or kind, or such other proportion thereof, as they shall be entitled to, under the rules contained in Regulation II, 1795, leaving to such ryots who shall deem themselves aggrieved by any act of the landholder or superior renter exercising this right, his remedy by application to the adawlut.

Rule [illegible] respect to the attachment and division of betay crops.

XXXI. Nothing contained in this regulation shall be construed to prohibit any persons whose property may have been distrained or sold, from instituting a suit in the court of dewanny adawlut of the jurisdiction, against the distrainer, for any injury which they may think they have thereby sustained. (r) Nor to prevent the several descriptions of landholders, or farmers of land, or other persons vested with the power of distraint, from prosecuting in the court of dewanny adawlut of the jurisdiction, for arrears due to them from any under farmer, ryot, or dependent zemindar, or putteedar, or their sureties, should they prefer the last mentioned mode of procedure, to distraining and selling the personal property of the defaulter, or, in the cases authorized, of his surety, for the recovery of the arrears under this regulation.

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the dewanny adawlut.

Persons vested with the powers of distraint, to have the option of prosecuting in the dewanny adawlut for arrears.

XXXII. All suits that may be instituted under this regulation, are to be heard and determined previous to any other suits which may be depending. (s)

Suits instituted under this regulation, to be tried in preference to all other suits.

A. D. 1795 REGULATION XLVI.

A REGULATION *for extending to the province of Benares, Regulation* XXXIII, 1793, *entitled*, A Regulation for re-enacting with modifications, the rules passed on the 11th February and 21st October 1791, for repairing the embankments kept in repair at the public expense; and for encouraging the digging of tanks or reservoirs, and watercourses, and making embankments.—PASSED *by the Governor General in Council, on the* 28*th August* 1795; *corresponding with the* 14*th Bhadoon* 1202 *Bengal era; the* 28*th Bhadoon* 1202 *Fusly; the* 14*th Bhadoon* 1202 *Willaity; the* 28*th Bhadoon* 1852 *Sumbut; and the* 12*th Suffer* 1210 *Higeree.*

THE reasons assigned in the preamble to Regulation XXXIII, 1793, for providing for the repair of the embankments which are kept in repair at the public expense,

(q) Modified by R. 5, of 1800, S. 2.—See the note (a) to S. 2, of this regulation.

(r) See the provisions of R. 5, of 1800, S. 12, for discouraging and punishing unfounded actions or complaints against persons attaching property for arrears of rent, or against officers employed in the collection of rent, as well as for preventing their being summoned as witnesses, merely to create embarrassment and delay in the collections. This section is explained by section 13 of the same regulation: the jurisdiction of the native commissioners for the trial of civil suits, under R. 23, of 1814, not restricted, or persons having suits to prefer under this section, not debarred from applying to them for redress.

(s) The civil courts are moreover required to appropriate one, two, or more days in each week, if necessary, for the trial of suits regarding the rent of lands, or the public revenue assessed thereon. The native commissioners appointed under R. 23, of 1814, are also directed to hear and determine all cases depending before them, regarding rent or revenue, in preference to others. See R. 5, of 1800, S. 13.

expense, and for encouraging the digging of tanks, or reservoirs, and watercourses, and making embankments, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares; the following rules have been enacted.

Regulation XXXIII, 1793, extended to the province of Benares with a modification.

II. The rules contained in Regulation XXXIII, 1793, are hereby extended to the province of Benares, with this modification, that all proprietors of land applying for advances under section VIII, shall give the same securities as are required from farmers or other persons making such applications, who are not the proprietors of the land for the benefit of which the works are intended to be undertaken.

A. D. 1795. REGULATION XLVII. (t)

A REGULATION *for levying a tax on intoxicating liquors and drugs, and for preventing the illicit manufacture or vend of them, in the province of Benares.*— PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

ON grounds similar to those stated in the preamble to Regulation XXXIV, 1793, for establishing a tax on intoxicating liquors and drugs, and for preventing the illicit manufacture or vend of them, in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted for the province of Benares.

No person to manufacture spirituous liquors without a license from the collector.

II. All persons are prohibited from manufacturing spirituous liquors without a license from the collector of Benares.

No tax or duty to be levied on spirituous liquors but by government. Claims for compensations or deductions.

III. No tax shall be levied on the manufacture or sale of spirituous liquors, excepting on the part of government. Any persons having claims to deductions or compensations on account of duties or taxes levied by them in jaghires, or in talookas, or places, to which the general settlement concluded, in 1197 Fusly did not extend, are to prefer their claim to the collector, that he may investigate and report upon it to the Board of Revenue, who are to decide upon it, and submit their decision for the confirmation of the Governor General in Council. The courts of judicature are not to take cognizance of such claims, but where a compensation shall have been granted, and the payment of it shall be withheld, they are empowered to take cognizance of suits to obtain payment.

Sections IV, V, VI, and VII, Regulation XXXIV, 1793, extended to Benares.

IV. The rules contained in sections IV, V, VI, and VII, Regulation XXXIV, 1793, are hereby extended to the province of Benares.

Licenses not to be granted for working stills in the neighbourhood of the city of Benares, or the towns of Mirzapore, Ghazepore, and Juanpore.

V. As granting licenses for working stills in the neighbourhood of the city of Benares, or the towns of Mirzapore, Ghazepore, or Juanpore, would not only defeat the object of this regulation as far as it regards the police of the said city and towns, by affording a harbour for disorderly persons in the vicinity of them, but also injure the public revenue, by enabling the distillers in such places to undersell those residing in the said city or towns; the collector is not to grant licenses for working stills within such a distance of the city of Benares, or of the towns above mentioned, as may be likely to affect the police, or the produce of the tax on the stills worked therein. This rule is also to be applied as far as may be necessary to any other large

This rule to be applied

(t) Rescinded by R. 10, of 1813, S. 2.

towns,

towns, where circumstances may require it; and where any large town may be situated contiguous to the city of Benares, or to either of the three towns above mentioned, the collector is to grant licenses in such large town, as if it formed a part of the said city or the town to which it may be so contiguous, or to adopt such arrangements as may appear to him calculated to obviate the consequences above stated.

as far as may be consistent with the object of it, to large towns either situated at a distance from, or contiguous to, the city of Benares, or the towns of Mirzapore, Ghazepore and Juanpore.

VI. The rules contained in sections IX, X, XI, XII, XIII, XIV, XV, Regulation XXXIV, 1793, are hereby extended to the province of Benares.

Sections IX, X, XI, XII, XIII, XIV, XV, Regulation XXXIV, 1793, extended to Benares.

VII. The collector is not to authorize the establishment of stills for the manufacture of spirituous liquors, within two coss of the military station at Chunar. The commissary of bazars, and the collector, are to proceed in respect to shops for the sale of spirituous liquors established within the limitted distance, in the mode prescribed for similar cases in section XVII, Regulation XXXIV, 1793.

Stills not to be established within two coss of Chunar. Rules to be observed in the removal of shops established within the limitted distance.

VIII. The rules in section XVIII, Regulation XXXIV, 1793, are hereby extended to the province of Benares.

Section XVIII, Regulation XXXIV, 1793, extended to Benares.

IX. The rules contained in sections II, III, IV, V, and VI, Regulation I, 1794, are hereby extended to Benares, with this exception, that the duties therein assigned to the daroghas of the police jurisdictions in the zillahs in the provinces of Bengal, Behar, and Orissa, are, in the province of Benares, to be performed by the tehseeldars, wherever the police jurisdiction vested in them by Regulation XVII, 1795, may extend.

Sections II, III, IV, V, and VI, Regulation I, 1794, extended to Benares.

Exception.

X. For the more expeditious trial of persons charged with the offences specified in this regulation, and the sections of Regulation XXXIV, 1793, and Regulation I, 1794, above declared to extend to the province of Benares, upon any such person being brought before the judge, the collector is to order the vakeel of government to exhibit the information and proofs against him, and the judge shall without delay make a summary inquiry into the matter, and pass such decision as may appear to him equitable. If a person convicted of any of the said offences shall omit or refuse to discharge the penalty which may be imposed on him, the judge is to commit him to close custody, and proceed to levy the penalty by issuing the same process against his property, as is prescribed for enforcing decrees of the court. If property belonging to the offender sufficient to make good the penalty, shall not be found, the judge is to commit him to the jail of the criminal court, and keep him to hard labor for one month, and then discharge him.

Process against offenders under this regulation to be carried on by the vakeel of government.

How penalties are to be levied.

Punishment to be inflicted where the penalty cannot be exacted.

REGULATION XLVIII.

A. D. 1795. REGULATION XLVIII.

A REGULATION *for prohibiting covenanted civil servants of the Company employed in the administration of justice, or the collection of the public revenue, in the province of Benares, from lending money to talookdars, zemindars, putteedars, or other actual proprietors of land, or to farmers of land holding farms immediately of government, or the under farmers, or ryots, of the several descriptions of proprietors and farmers of land abovementioned, or their respective sureties; and for prohibiting in the said province, europeans of any description, holding possession of lands that may be mortgaged to them, or purchasing or renting lands, for erecting houses, or buildings for carrying on manufactures, or other purposes, without the sanction of the Governor General in Council.*—PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

THE reasons assigned in the preamble to Regulation XXXVIII, 1793, passed for the provinces of Bengal, Behar, and Orissa, for preventing the covenanted civil servants of the Company employed in the administration of justice, or the collection of the revenue, from lending money to the landholders, or farmers, or others concerned in the collection or payment of the revenue, and for restricting all europeans from purchasing or holding lands out of the limits of Calcutta, excepting for the erection of dwelling houses, or buildings for carrying on manufactures, or for other commercial concerns, and prohibiting them from purchasing or holding such lands even for those purposes, without the sanction of the Governor General in Council, being equally applicable to the province of Benares, the following rules have been enacted.

Covenanted servants of the Company employed in the administration of justice, or collection of the revenue, prohibited lending money to proprietors, or farmers of land, dependent zemindars, under farmers, or ryots or their sureties.

II. The judges and magistrates of the city court, and the zillah courts, the judges of the provincial courts of appeal, and the courts of circuit, and the registers to the several courts, and their assistants, or other officers being covenanted servants of the Company, and the collector of the revenue, and his assistants, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent zemindar, or under farmer, or ryot, or their sureties; and all loans which may be made in opposition to this prohibition after the commencement of the Fusly year 1203, are declared irrecoverable in any court of judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy, land without the sanction of the Governor General in Council, liable to be dispossessed at his discretion.

III. No european of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land within the province of Benares, without the sanction of the Governor General in Council; and all persons now so holding land, without having obtained such permission, either directly from government, or from any of the residents, or who may hereafter unauthorizedly purchase, rent, or occupy land, shall be liable to be dispossessed of the same at the discretion of the Governor General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected thereon, or other account.

Europeans, not prohibited lending money to proprietors, &c. on mortgage of the estates or leases, not to be allowed to have possession of the land, or to have any concern in the collections.

IV. Europeans who are not prohibited under Regulation XXXIII, 1795, or otherwise, from lending money to proprietors, or farmers of land, dependent zemindars, putteedars, under farmers, or ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them as security for the loan, nor to make or appro-

priate

priate the collections, nor to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

V. When an european shall be permitted by the Governor General in Council, to purchase, occupy, or rent, any land in the province of Benares, it shall be measured by an officer to be appointed by the collector, and the expense attending the measurement, shall be paid by the party purchasing, renting, or occupying the ground. It shall be the duty of the collector, to report to the Board of Revenue (v) for the information of the Governor General in Council, every instance that may come to his knowledge, in which europeans may directly or indirectly purchase, occupy, or rent land, without such authority.

Collector to depute an officer to measure ground which the Governor General in Council may permit an european to hold.

Collector to report when any europeans may possess themselves of land without authority.

VI. Upon the receipt of this regulation, the collector is to transmit a statement, specifying the names of the europeans possessing, renting, or occupying land, within the province, the extent of the land, the purpose to which it is applied, and from what period, and under what authority, it has been so possessed, occupied, or rented. The collector is to transmit a similar statement to the Board of Revenue annually by the 1st of January.

Annual statement of lands held by europeans to be sent by the collector to the Board of Revenue.

A. D. 1795. REGULATION XLIX.

A REGULATION *for appointing the head cauzy of the provinces of Bengal, Behar, and Orissa, head cauzy of the province of Benares, and for extending to that province, the rules contained in Regulation* XXXIX, 1793, *regarding the cauzies stationed in the cities, towns, and other places, in the three first mentioned provinces.*—PASSED *by the Governor General in Council, on the 28th August* 1795; *corresponding with the 14th Bhadoon* 1202 *Bengal era; the 28th Bhadoon* 1202 *Fusly; the 14th Bhadoon* 1202 *Willaity; the 28th Bhadoon* 1852 *Sumbut; and the 12th Suffer* 1210 *Higeree.*

CAUZIES are stationed in the city of Benares, and the towns of Mirzapoor, Ghazepoor, and Juanpoor, and in the purgunnahs in the province of Benares, for the performance of the same duties as are assigned to the cauzies in similar situations in the provinces of Bengal, Behar, and Orissa; and the prescriptions contained in that regulation, with the exception hereafter specified, being equally applicable to the province of Benares, the following rules have been enacted.

II. *First.* The head cauzy of the provinces of Bengal, Behar, and Orissa, shall also be head cauzy of the province of Benares, and shall be appointed under the rules prescribed in clause first, section II, Regulation XXXIX, 1793 (u)

Head cauzy of Bengal, Behar, and Orissa, to be head cauzy of Benares.

Second. The following inscription is to be substituted on the seal of the head cauzy, in lieu of that prescribed in clause second, section II, Regulation XXXIX, 1793. "*The seal of the Cauzy ul Cozaat of the provinces of Bengal, Behar, Orissa, and Benares.*" (*Name of the head cauzy*) (w)

Inscription for the seal of the head cauzy of the four provinces.

(v) To the Commissioner for Behar and Benares, appointed under R. 1, of 1816, instead of the Board of Revenue.

(u) The head cauzy of Bengal, Behar, Orissa, and Benares, is also head cauzy of the ceded and conquered or western provinces. See R. 46, of 1803, S. 2, C. 1, R. 8, of 1805, S. 29, C. 1, and R. 12, of 1806, S. 3.

(w) The seal of the head cauzy now bears this inscription, agreeably to R. 46, of 1803—*The seal of the Cauzy-ul-Cozaat of the provinces of Bengal, Behar, Orissa, Benares, and Ceded Provinces*; but, probably, the last word has been altered by the substitution of Ceded and Conquered or Western Provinces, since their acquisition.

Rules in Regulation XXXIX, 1793, from section III. to section XI, extended to Benares.

Exception.

III. The rules contained in the several sections of Regulation XXXIX, 1793, from section III. to section XI, regarding the cauzies stationed in the cities, towns, and purgunnahs in the provinces of Bengal, Behar, and Orissa, are hereby extended to the cauzies stationed in the city of Benares, and in the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the several purgunnahs in the province of Benares, with this exception, that instead of Regulations XVII and XXIV, 1793, they are to consider the prescriptions contained in Regulation XLV, 1795, and Regulation XXXIV, 1795, as the rules for their guidance with regard to the sale of property distrained for arrears of rent or revenue, and the payment of pensions. (x)

A. D. 1795. REGULATION L.

A REGULATION *for prohibiting talookdars, zemindars, or other proprietors of land paying revenue, in the province of Benares, from fixing the jumma of dependent tenants, (whether zemindars or putteedars,) or granting leases or pottahs for a term exceeding ten years; and, in cases of lands being disposed of at public sale for the discharge of arrears of the public revenue, for rendering null and void all engagements, (with certain exceptions,) subsisting between the defaulting proprietor, and his dependent zemindars, putteedars, under farmers, and ryots, for the payment of rent or revenue on account of the lands so sold.*—PASSED *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

THE public demand upon the estates of the proprietors of land, with whom a settlement has been or may be concluded under the original regulations for the quartennial and decennial settlements, having been declared fixed for ever; it is to be apprehended that many proprietors, either from improvidence, ignorance or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent zemindarries, or other tenancies, to be held at a reduced jumma; or fix the jumma of such dependent tenancies of this description as now exist in their respective estates, at an under rate; or let lands in farm, or grant pottahs for the cultivation of land at a reduced rent, for a long term, or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill disposed proprietors, to render their property of little or no value to their heirs; promote vice and injustice; occasion a permanent diminution of the resources of government arising from the lands, in the event of the rent or revenue reserved by such proprietors, being insufficient for the discharge of the amount of the public demand upon their estates; be an abuse of the great and lasting benefit which has been conferred upon the landholders, by the possession of their lands being secured to them in perpetuity at a fixed assessment; and moreover, be repugnant to the ancient and established usages of the country, according to which the dues of government from the lands, (which consist of a certain proportion of the annual produce of every begah of land, demandable, according to the local custom, in

(x) That part of the provisions of R. 45, of 1795, which relates to cauzies, describing them to be generally empowered as sellers of distrained property, is modified by R. 5, of 1800, S. 6, whereby such cauzies only are competent to sell distrained property, as may have an express commission for that purpose. The provisions of R. 34, of 1795, relative to the payment of pensions not exceeding fifty rupees per annum by cauzies, appear to be modified also by R. 11, of 1813, S. 5, by which any officer, deputed by the collector, may pay the pensions.

money or kind, unless government has transferred its right to such proportion to individuals for a term or in perpetuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce, and the sum payable to the publick, so long as he continues to discharge the latter,) are unalienable without its express sanction. It is at the same time essential that talookdars and proprietors of land, should have a discretionary power to fix the revenue payable from their dependent tenancies, and to grant leases, or fix the rents of their lands, for a term sufficient to induce their dependent zemindars, under farmers and ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases, excepting where they may interfere with or affect in any shape the primary and indefeasible rights of government. Upon the above ground, and as the proprietors of land previous to the quartennial and decennial settlement being declared perpetual, were not entitled to enter into any engagements with their dependent zemindars, putteedars, under farmers, or ryots, for a period extending beyond the term of their own engagements with the publick; the Governor General in Council has enacted as follows.

II. No talookdar, zemindar, or other actual proprietor of land, nor any person on their behalf, shall dispose of a dependent tenancy to be held at the same or at any jumma, or fix at any amount the jumma thereof for a term exceeding ten years, nor let any lands in farm, nor grant pottahs to ryots or other persons for the cultivation of lands, for a term exceeding ten years. Nor shall it be lawful for any talookdar, zemindar, or other actual proprietor of land, who may have entered into an engagement with any dependent zemindar, fixing the jumma of his tenancy for a term not exceeding ten years, or let any lands in farm, or granted pottahs for the cultivation of lands for a term not exceeding ten years, to renew such engagement, lease, or pottah, at any period before the expiration of it, excepting in the last year, at any time during which, it shall be lawful for the parties to renew such engagement, lease, or pottah, upon the same or any other terms for a period not exceeding ten years, calculating from the expiration of the year in which such renewal may take place. All evasions of the prohibitions contained in this section, by entering into two separate engagements, leases, or pottahs, at the same time; dating an engagement, lease, or pottah, subsequent to the period at which it may have been actually executed; or by any other device; shall be considered as an infringement of them; and every engagement fixing the jumma of a dependent tenancy, and every lease, or pottah, which has been or may be concluded, or granted, in opposition to such prohibitions, is declared null and void. (y)

No jumma of dependent tenancies to be fixed, nor farms or pottahs granted, for a term exceeding ten years.

Engagements for ten years, or less, not renewable at any period during the term of them, except in the last year.

All evasions of this rule null and void.

All engagements, leases, and pottahs, which have been or may be granted repugnant to this section, declared void.

III. Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a court of justice, the fixed public revenue assessed upon the whole estate, shall be apportioned on the several shares, agreeably to the principles prescribed in section VII, Regulation XXVII, 1795, without regard to any engagements that may subsist between the proprietors and their dependent tenants, under farmers, or ryots. But the sharers shall not demand from the dependent tenants, under farmers, or ryots, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly previous to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in section II, and such dependent tenants, under farmers, or ryots, shall duly perform their part of it; but it shall remain in full force, (except-

Existing engagements between talookdars, or other proprietors, and their dependent zemindars, under farmers, and ryots, if conformable to this regulation, not to be affected by divisions of the estate made pursuant to judicial decrees, or the request of the joint proprietors.

(y) This section is rescinded by R. 5, of 1812, S. 2. Proprietors of land are competent to grant leases for any period which they may deem convenient and conducive to their interests.

ing in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment,) until the term of it shall have expired. (z)

Engagements abovementioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue,) or by any private act of the proprietors.

IV. If the whole or a portion of any estate, shall be transferred by public sale, (excepting it be so disposed of for the discharge of arrears of the public revenue,) or by private sale, gift, or otherwise, or devolve to any person upon the death of the former proprietor, according to the hindoo or mahomedan law of inheritance, the person or persons to whom the lands shall be so transferred, or may so devolve, shall not demand from the dependent tenants, under farmers, or ryots, in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagement, for the payment of rent or revenue, which may have been entered into between them and the former proprietor previous to the transfer, or devolution, provided that such engagement be not repugnant to the rules prescribed in section II, and that such dependent tenants, farmers, or ryots, duly perform their part of it, but it shall remain in full force until the term of it shall have expired.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent talookdars, farmers, and ryots, on account of such lands to be null and void.

Exception to the rule.

V. Whenever the whole or a portion of the lands of any talookdar, zemindar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependent tenants, whose tenancies may be situated in the lands sold, as also all leases to under farmers, and pottahs to ryots for the cultivation of the whole, or of any part of such lands, (with the exception of the engagements, pottahs, and leases, specified in section VII,) shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands, shall be at liberty to collect from such dependent tenants, and from the ryots, or cultivators of the lands let in farm, and the lands not farmed, whatever the former proprietor would have been entitled to demand, according to the established usages and rates of the purgunnah or district in which such lands may be situated, had the engagements so cancelled never existed. (a)

This regulation not to prohibit proprietors from disposing of dependent tenancies.

VI. Nothing contained in this regulation shall be construed to prohibit any talookdar, zemindar, or other actual proprietor of land selling, giving, or otherwise (as far as he may be legally competent) disposing of any part of his lands as a dependent tenancy, whether as a zemindarry, or putteedarry.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to british subjects and europeans.

VII. Nor to prohibit actual proprietors of land granting without the sanction of government, or its officers, to any person not being a british subject, or an european, a lease or pottah for ground, for any term of years, or in perpetuity, for the erection of dwelling houses, or buildings for carrying on manufactures, or other purposes, and for offices for such houses or buildings, or for gardens.

(z) This and the next section have been rescinded by R. 18, of 1812, S. 3, and other rules prescribed in their stead.

(a) The operation of this section to be suspended in all cases of sales of land taking place after the second month of the local year, during the year, but not applicable to engagements, pottahs, or leases, evidently collusive. See R. 1, of 1801, S. 9.—See also the explanatory rules in R. 5, of 1812, S. 5, regarding the collection of rent according to the established usages and rates of the purgunnah.

REGULATION LI.

A. D. 1795. REGULATION LI.

A REGULATION *respecting ryotty pottahs in the province of Benares.*—**Passed** *by the Governor General in Council, on the 28th August 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

TO prevent undue demands being made on the ryots, or cultivators of the soil, by the aumils, zemindars, farmers, or others, entitled to levy from them the hakimee or government's proportion of the produce, aumeens were deputed by the resident at Benares on the 12th February 1795, to cause pottahs to be granted to the ryots agreeably to certain forms, by which their payments were to be regulated. For reasons hereafter stated, these aumeens were recalled before they had completed the issue of the prescribed pottahs. The instructions to these officers, with alterations and additions, calculated for the more effectual accomplishment of the object of those instructions, are now enacted into a regulation, and are to be considered as the rules respecting ryotty pottahs throughout the districts in the province of Benares to which the settlement concluded by the resident extended. *(b)*

Measures adopted to cause bilmokta pottahs to be granted to ryots.

II. *First.* Orders were repeatedly issued to the aumils, and canoongoes, to cause the zemindars and farmers to issue to their ryots bilmokta pottahs, (i. e. pottahs with the maal and abwaub consolidated,) for the nekdy or money part of the rent payable to them, and to specify therein, where the rent is estimated according to the produce, the mode of the betay or division of the crop, and also the proportions in which the division was to be made, (viz. whether in equal proportions, or in the proportions of seven to nine, or of five to two, or of two to one, or according to whatever local zebetaneh or custom might be prevalent in each place;) and the aumils were also repeatedly enjoined to issue similar pottahs, in those parts of the purgunnahs which continued amauny. There being ground to believe however, that notwithstanding these orders, the prescribed pottahs had not been duly issued, aumeens were deputed on the 12th of February 1795, to cause them to be granted, throughout all that part of the four circars, to which the general settlement had extended. The aumeens thus deputed, were accordingly furnished with instructions to cause the talookdars, zemindars, and farmers, in the musheekheesee mozahs, or villages, for which a settlement had been concluded, and the aumils, in the villages which remained amauny, to grant the prescribed pottahs to the ryots and cultivators in conformity to a draft prepared for the purpose; the pottahs to be granted to every ryot and cultivator, in the musheekheesee villages to specify with precision, the rates of payment according to the two last years, as far as regarded the nekdy, or money part thereof: and also the modes and proportion of the betay, where the payments of the ryots were estimated in kind, or upon the produce; and in the event of the rates to be thus inserted in the pottahs being any where disputed between the aumils or malguzars on the one part, and the ryots on the other, such disputed rates were directed to be regulated and adjusted, on reference to the accounts of the putwarries, and with the assistance of the canoongoes: so that, consideration being had to the present condition of the ground, and the cast of the cultivator, the bilmokta rye or rate, inclusive of maal and abwaub, on account of such ground, might be fixed at the same rate as that at which a cultivator of the same cast would have been assessed for it, in the Fusly year 1187.

(b) With exception of S. 9, and parts of sections 7 and 10, the whole of this Regulation is not in force. See R. 5, of 1812, S. 2 and 3, and R. 18, of 181[illegible], S. 2, which allow landholders, farmers, &c. to grant leases for any length of time, for any rent, and in whatever form they and their tenants please, excepting the imposition of arbitrary or indefinite cesses.

Second.

Pottahs for mootry tenures.

Second. Under these instructions, where the custom of mootry, (or the payment of one general rate for different kinds of ground and of crop,) was found to prevail, the aumeens were directed to continue it, and even to endeavour to extend it, wherever the parties concerned might voluntarily agree to its adoption.

Nekdy or money rent pottahs for tenures not mootry.

Third. In pottahs issued for a money rent, with the exception of those granted for mootry tenures, the number of begahs, the description of begah, (viz. whether the begah computed by the rod of three deras ilahee, the begah of the measure prevalent in the purgunnah, or the dherawat, or begah ascertained by estimate,) and the bilmokta rye or consolidated rate of assessment on each of such begahs, were directed to be specified, so as to preclude the necessity of superadding to such rate the kesraat, or difference of rate proportionate to the variation in the extent of the several descriptions of begahs. For this purpose it was ordered that the malguzars and ryots, with the assistance of the opinions of the canoongoes, and the approbation of the aumeens, should fix at once the bilmokta rye, or consolidated rate, in one sum, in proportion to the extent of the begah, leaving it to the parties to determine on which of these three descriptions of begahs the calculation of the rye should be made, instead of confining them to one description of begah, as had been prescribed by the rule contained in section IV, Regulation II, 1795.

Mode of obviating the addition of any kesraat to the consolidated rate, to be inserted in the ryotty pottahs in general.

Fourth. In the event of any of the putteedars, being desirous of obtaining pottahs for the land cultivated by them, the aumeens were instructed to cause the pottahdars, or persons holding pottahs of government, to grant pottahs accordingly, in conformity to the principles above prescribed. But if such putteedars should not apply for pottahs, the aumeens were informed that they were not to cause pottahs to be granted to them, but were to leave them to continue to pay as formerly, i. e. subordinately to, and in conjunction with, their principals.

In what instances such pottahs might be granted to the putteedars.

Fifth. In the musheekheesy lands, these pottahs were directed to be issued with the concurrence of the aumeen, and under the signatures of the grantors, (i. e. the pottahdars of government,) and to be attested also by the canoongoes. In the villages which were continued amauny, it was directed that the said pottahs should be issued by the aumils, under their signature, and the attestation of the canoongoes, and that they should also be countersigned by the aumeens; as for the future, the aumils neither had, nor were to possess, any authority to augment or diminish the rental of government, their duties being limitted to the realizing of the fixed revenue; the preservation of the peace throughout their respective limits; and the execution of such orders as might occasionally be addressed to them.

How these pottahs were to be granted and attested.

In the musheekheesee, and in the amauny lands.

In reference to the duties of the aumils under the settlement.

Sixth. The zeyl, or detailed particulars, annexed to the form of pottah, with which the aumeens were furnished, contained an enumeration of the different modes of ryotty payments, whether of mootry, nekdy, herkowla, or betay, and of purtee, keel, and jungle, &c. one or other of which would necessarily be found applicable to the land and circumstances of every cultivator; and it was pointed out to the aumeens that the pottahs of those ryots only whose cultivation was carried on agreeably to the practice termed mootry, and no other, were to specify the amount of the rent annexed to their pottahs under that single head only; whilst in instances in which ryots cultivated not only on mootry, but also on nekdy and betay agreements, this form of pottah also prescribed how the particulars of the zeyl, were under such circumstances, to be subjoined; at the same time that it comprehended under the several heads of cultivation, a specification of the denomination of begah, in order that as all the three descriptions of begahs particularized in clause third, were more or less in use in the province, it might be left to the option of the malguzars and ryots, to adopt in their engagements whichever of these three standards they might prefer, the aumeens being required only to see that the description of begah agreed on should in every instance be specified.

Rules for adopting and distinguishing in the pottahs the different denominations of culture and of begahs.

Seventh. The following is a translate of the general form of pottah with which the aumeens were furnished:

General form of pottah.

" A pottah of engagement and stipulation in the name of——according to the zeyl, without abwaub or serf; the fota or rent for the entire year of the cultivation, shall be taken bilmokta, or according to one rate; and exclusive of that, neither a daam or dhirm shall be taken."

ZEYL or annexed specification of RENT.

Nekdy or money rent.

1st. Mootry 12 begahs (either of 3 dera ilahee, or purgunnah begahs, or dherawat or estimated begahs:) at 3 rupees 2 annas per begah, rupees - 37 8 0

2d. Kwyraur &c. (being for the more valuable articles of cultivation,) 13 begahs (whether of 3 dera ilahee, or purgunnah measurement, or dherawat,) viz.

Sugarcane 10 begahs at 5 rupees 1 anna per begah, -	50	10	0
Tobacco 2 begahs at 6 rupees per begah, - - - - -	12	0	0
Moolee or vegetables, 1 begah, at 2 rupees 1 anna per begah,	2	1	0
	64	11	0

And where from the change in the cultivation, a new pottah shall become necessary, it shall be granted according to the rates of the two last years, with the privity of the canoongoes, according to the shirabundy, or established rates of the purgunnah, and I (the zemindar or farmer,) shall certainly not object to give a pottah.

3d. Herkowla or for common nekdy cultivation 12 begahs (either the 3 dera ilahee, or of purgunnah measurement, or of dherawat,) at different rates.

1st 2 begahs at	1	8	3	0	0
2d 3 begahs at	1	12	5	4	0
3d 3 begahs at	1	4	3	12	0
4th 2 begahs at	1	0	2	0	0
5th 1 begah at	1	2	1	2	0
6th 1 begah at		12	0	12	0
			15	14	0

Bhawullee or betay, i. e. where the rent is in proportion to the crop.

The begah to be of 3 dera ilahee measurement, or purgunnah, or dherawat measurement, and the rent to be assessed by kunkoot or appraisement; either at half and half, or 9 to 7, or 5 to 2, or 2 to 1, according to the local usage, and the money assessment thereon to be according to the current market price, as fixed for each harvest by government.

Purtee, and keel, and jungle land, according to the good-will of the parties—either on a nekdy or betay engagement.

Precaution taken on the departure of the aumeens to apprize the landholders of the object of their deputation; and points ascertained during their progress.

III. *First.* On the departure of these aumeens, the strongest assurances were published to all the zemindars and farmers, that the object of their deputation, was solely to ensure from them, that justice to their ryots, which government had bound itself to observe to them by concluding with them a permanent settlement, the conditions of which would on no account be infringed. A considerable degree of jealousy however was manifested by the zemindars and farmers during the progress of the aumeens; several of whom represented the difficulties which they experienced in the execution of their instructions, both from the above and other causes. These difficulties are stated in the following clauses, with a view to future eventual arrangements.

Rule in case of no putwarries being kept in an estate or farm.

Second. The aumeen in the tuppah of Ophroude, in the purgunnah of Chourassy, represented, that several places in that tuppah were without putwarries; and as similar complaints were received from other parts of the district, the aumeens were in reply directed to cause the proprietors, and farmers, to appoint putwarries wherever they were wanted; and in the mean time, to oblige the gomastahs of the said proprietors or farmers, or the officers entertained for keeping such written or other village accounts as are kept, to produce them to the courts of judicature, or to the collector, in the instances in which either are empowered by the regulations to require them.

Third.

Refusal of certain descriptions of ryots to take pottahs.

Third. Several ryots in the purgunnah of Chownsa, and other parts, who had been used to divide the grain with the zemindar or farmer in the mode called agore, according to the produce, would not take pottahs specifying either any rent per begah, or even the number of begahs which they cultivated; circumstances that are adverted to, and in some measure provided for, in section XXI, Regulation II, 1795.

How pottahs are to be issued from tenants on mortgage tenure to the ryots.

Fourth. The aumeen in the tuppah of Kone, in the purgunnah of Chourassy, represented, that sundry zemindars had mortgaged a part of their lands to other zemindars, and had in consideration thereof, given them pottahs at lower rates than the established ones, so as merely to prove equal to the payment of government's jumma; whilst the mortgagees caused the grounds in question to be cultivated by other ryots, from whom they took the usual rate of rent. The aumeens desired instructions whether they should cause pottahs to be given to these mortgagees, according to those which they held from the zemindars; or, whether the pottahs should be issued at such rates as the mortgagees exacted from the ryots. In reply to this application, the aumeens were directed to cause pottahs of the last mentioned description to be issued to the ryots, not however by the proprietors, but by the mortgagees: and they were further informed that this rule was to be observed in all similar cases.

Mode of zemindars and farmers attempting to conceal the fund in their estates by pretended extravagant grants to the putwarries.

Fifth. It appearing by a representation from the aumeen at Mureeaboo, that the zemindars and farmers concealed the revenue lands in their occupancy, by pretending to have assigned them in larger proportions, than was ever usual, to the putwarries, for their maintenance, or otherwise; the aumeen was instructed not to admit of this abuse, but to cause pottahs to be issued for all grounds over and above the usual quantity granted to the putwarries for their maintenance in their official situations.

Difficulty in respect to betay pottahs from the custom of superadding abwaub to be proportionably levied on the valuation of the crop.

Sixth. The aumeen in the purgunnah of Baleeah, represented, that although his instructions required that the rate of rent should be fixed Ellaukha, or in one sum, there were circumstances which rendered the observance of this rule in some instances impracticable; such as various abwaubs proportionally added in the betay ryotty tenure to the money result of the jumma or valuation of the crop, according to the market prices of grain; these abwaubs being often at the rate of one anna or of two annas, per rupee, on the valuation of the crop, on account of batta; and perhaps, of three annas for the deh-khereh per begah; whilst in several other villages, these articles of batta and khereh, were levied uniformly at a certain rate per rupee, on the amount of the valuation of the crop, as aforesaid. That it was therefore evident, that these money rates could not be taken into account, so as to admit of their amount being ascertained in a betay pottah, farther than by fixing their proportional rates in the rupee on the amount of the valuation of the crop, or on the begah of the cultivation, as the local custom might in either case require. This aumeen was accordingly instructed to confine himself to the insertion of these proportionate rates of abwaubs.

Respecting the small begah in the purgunnah of Kureendeh.

Seventh. It appeared that in sundry villages in the purgunnah of Kureendeh, it had been and continued the custom amongst the malguzars and assamies, (i. e. the zemindars or farmers, and the ryots,) to carry on their cultivation, and keep their accounts, according to the practice termed by them cucha dherawat gortaur, that is, where the begahs are measured by steps, of which one begah is equal only to eight pukhta biswas; and two and a half of cucha begahs to one pukhta begah. The aumeen in that purgunnah, having hereon reported, that the ryots in such places, could not be made, without great difficulty, to comprehend the advantage of calculating by the pukhta, instead of the cucha begah, directions were given that their own customs should be continued, on condition that the description of the begah, and the mode of measurement, should be clearly specified in the pottahs to be granted in such places.

Eighth.

Eighth. In the said purgunnah of Kureendeh, it was on the same day ordered, in reply to a query from the aumeen, that where the serberakars or managers, (mentioned in section XVII, Regulation II, 1795,) were on terms of good understanding with the zemindars, they might, if they pleased, affix their signatures to the pottahs to be granted to the ryots; but that wherever it became a question which of them should have the preference, it must be allowed to the serberakar, as long as the latter remained responsible for the revenue.

Preference assigned to the serberakars, above the zemindars in Kureendeh in respect to signing the ryots pottahs.

Ninth. The same aumeen having reported, that in Pehaurpoor, and some other villages in Kureendeh, he had issued the pottahs, in the terms of his instructions, although in fact it had been and still was customary for the zemindars, putteedars, and other chupperbund assamees or ryots, to meet together, and lay on such a money-assessment on the government's half of the grain, as might make up the public revenue; it was thereupon ordered that those who preferred this mode, might adhere to it, and even have this condition inserted in their pottahs, without the stipulation that such assessment should be founded on the market price, as is the rule in general, for all other places.

Mode of raising the public revenue of the village by the inhabitants joining in an assessment on their crops so as to prove equivalent to the demand of government.

Tenth. The aumeen in the purgunnah of Mohammedabad, reported that certain persons in that district, claiming to be the descendants of the ancient zemindars of villages now rented to farmers, refused to receive pottahs for the ground which they cultivated from the latter, alleging that they should thereby suffer degradation.

Farther motive for the refusal to accept of pottahs.

IV. The deputation of the aumeens, and their proceedings, having been reported to the Governor General in Council, he observed in his reply of the 25th June 1795, that difficulties similar to those stated by the aumeens in Benares, had been experienced in enforcing the regulations regarding pottahs in the other three provinces. That in many places, the ryots had omitted to take out pottahs, or objected to receive those tendered to them agreeably to the regulations; and that owing to the variation in the rates in the different purgunnahs and districts and other local circumstances, disputes had been occasioned where both the proprietor and the cultivator of the lands were before satisfied with the rates of assessment that had been mutually agreed upon between them. That the rules regarding pottahs contained in Regulation IV, 1794, for the provinces of Bengal, Behar, and Orissa, had in consequence been passed, under which, if any dispute arose between a proprietor or a farmer of land, and a ryot, regarding the rates of pottahs, the latter, by application to the court of judicature, could always obtain a pottah at the ancient and established rates of the districts; and that where no such dispute subsisted, the interference of government was of course unnecessary. That from these considerations, and as the variations in the rates in the different districts, and in the quality of the lands in Benares, might render it extremely difficult for the aumeens to fix the rates and the terms of the pottahs to the satisfaction of both parties; and as there might be considerable danger of their often favoring one or other of them: the Governor General in Council directed the aumeens to be recalled, and ordered that rules similar to those contained in Regulation IV, 1794, should be adopted in Benares, it being presumed that the operation of them would gradually lead to the defining and fixing the rates to be paid for land in the different districts and villages, where any dispute might subsist respecting them: without incurring the inconveniencies liable to arise from attempting to effect this object at once by the deputation of aumeens.

Government's order to recal the pottah aumeens.

V. In pursuance of the directions in the preceding section, the pottah aumeens were recalled on the 8th of July 1795; and with respect to the progress which they made in granting pottahs, wherever it shall appear that they have caused pottahs to be granted in deviation from the letter and spirit of the instructions under which they acted, such pottahs are to be deemed invalid, and are to be so adjudged in any court of justice; whilst, on the other hand, the operation of those in which the parties

Recal of the pottah aumeens and remarks as to the degree of validity or otherwise of the pottahs issued under their instructions.

ties have acquiesced are to be admitted. This last mentioned rule can be productive of no injury to either party, as all the pottahs, with the exception of those for the mootry tenures, are liable to annual renewal, in consequence of the alteration that unavoidably takes place in the annual cultivation of the ryots.

Further period allowed for the distribution of pottahs.

VI. On the recal of the aumeens, they were directed to make it known that it was expected and required of the talookdars, zemindars, and farmers, that they should complete the issuing of the pottahs to their ryots, in the form and manner required in section II. The proprietors and farmers of land are accordingly hereby allowed until the expiration of the Fusly year 1204, for granting these pottahs, and after that period, no engagements for rent, (exclusive of the exceptions in the cases specified in clauses third, ninth, and tenth, section III, the usages detailed in which are to be admitted,) contrary to those ordered in that section, or such other as the collector, with the sanction of the Governor General in Council, may prescribe, shall be held valid: and the parties prosecuting under such informal engagements, shall be nonsuited with costs.

Rules for cases in which ryots omit or refuse to take out the prescribed pottahs.

VII. To provide against the ryots refusing or omitting to take out or receive pottahs, although the persons from whom they are entitled to demand them, be ready to grant them, *in the form and on the terms that now are, or may be hereafter prescribed by this or any future regulation,* (c) it is declared, that if a proprietor or farmer of land shall fix up in the principal cutcherries, in his estate, or farm, a notification in writing under his seal and signature, specifying that pottahs *according to the form prescribed in clause seventh, section II, or such other form as the collector with the sanction of the Governor General in Council shall have approved, and at the established rates,* (c) will be immediately granted to all ryots who may apply for them, and stating where, and when, and by whom, the pottahs will be delivered; the notification shall be considered as a legal tender of a pottah, and the proprietor of land or the farmer, shall be deemed to have complied with the order; and the persons so tendering pottahs shall be entitled to recover the rents due to them from such ryots, as fully and effectually to all intents and purposes, as if there existed written engagements between the parties.

All new forms of pottahs to be registered in the city or zillah courts, and copies to be deposited in each of the principal cutcherries.

VIII. The approbation of the collector in respect to the pottahs, is to be considered to extend to the form only; as far as regards which, he is, under the orders of government, authorized either to adhere to that contained in clause seventh, section II, or to adopt such other forms as the local circumstances of the district may in any part thereof render more expedient. But in all cases of deviation from the form aforesaid, the collector is to signify his approbation of the new form of pottah introduced, by superscribing it with his name and official appellation; and thereupon, he is to register a copy of such form or forms in the dewanny adawlut of the city, or zillah, within the jurisdiction of which such pottahs are to be issued; and to cause a copy thereof to be deposited in each of the principal cutcherries of the estate, or farm, or talookah, in which such pottahs are to be granted.

Rules for determining the disputes regarding the rates of pottahs to be granted to the ryots.

IX. If a dispute shall arise between the ryots, and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs, (whether the rent be payable in money or kind,) it shall be determined in the dewanny adawlut of the city, or zillah, in the jurisdiction of which the lands may be situated, according to the rules established in the purgunnah, or tuppah, or talookah, for lands of the same description and quality, and for the same cast of cultivators, as those respecting which the dispute may arise.

Rule applied to the renewal of pottahs that may expire or become cancelled.

X. The rules in the preceding section, are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance, but also to the renewal of pottahs which may expire or become cancelled; *and it is declared that*

(c) These parts are not in force. See the note to the preamble of this regulation.

no proprietor or farmer of land, nor any other person, shall require ryots, whose pottahs may expire or become cancelled, to take out new pottahs at higher rates than the established rates of the purgunnah, for lands of the same quality and description; due consideration being had, as far as may be required by the custom of the district, to the alteration of the species of culture, and the cast of the cultivator. Under this rule, khodcasht or chupperbund ryots, will be entitled to have their pottahs renewed at the established rates, upon making application for that purpose to the person by whom the pottahs are to be granted, as are also paykasht ryots, (d) provided the proprietor or farmer chooses to permit them to continue to cultivate the land, which they have the option to do or not as they may think proper on the expiration of all paykasht leases; whereas khodcasht ryots cannot be dispossessed as long as they continue to pay the stipulated rent.

Distinction as to the permanency of tenure between the khodcasht and paykasht ryots.

A. D. 1795. REGULATION LII.

A REGULATION *for licensing the importation of salt into the port of Calcutta, on ships built, and fitted out within the provinces of Bengal, or Behar, or that part of Orissa which is under the dominion of the Company, and being the property of british subjects, or of natives residing within the said provinces, and subject to the Company's government.*—PASSED *by the Governor General in Council, on the 28th August 1795, corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 11th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; the 12th Suffer 1210 Higeree.*

THE Governor General in Council being of opinion, that the importation of the coast salt into Bengal may be allowed, under particular restrictions, so as to obviate in a great degree the unfavorable operation of the existing prohibition to its importation, on certain branches of the commerce, and industry of both countries, without at the same time affecting the revenue derived by the Company from reserving to themselves the exclusive privilege of manufacturing salt in Bengal; the following rules have been enacted. (e)

II. Licence will be given for the importation of salt into the port of Calcutta on ships built and fitted out within the provinces of Bengal, or Behar, or the portion of Orissa under the dominion of the Company, and being the property of any british subjects or natives, residing in either of the said provinces under the Company's government, subject to the following rules and conditions.

On what ships salt may be imported.

III. All persons desirous of availing themselves of the privilege granted in the preceding section, must apply to the secretary to the Board of Trade in the salt department for permits, and must specify in their application the following particulars:

Application for permits where to be made, and particulars to be specified.

Name of the ship.

Name or names of the owner or owners, and his, or their, place or places, of residence.

Name of the commander.

(d) These parts are not in force. See the note to the preamble of this regulation.

(e) Extended to the zillah of Cuttack by R. 22, of 1814, S. 2. See R. 6, of 1801, S. 3, 4, and 5, prohibiting the importation of foreign salt generally without a license; for authorizing the importation of Muscat salt under certain restrictions; and for the penalties to which vessels and owners are liable for importing salt without a license.

By

By whom, where, and when, the ship was built, and the burthen by carpenter's measurement.

Where bound.

Return when expected.

Quantity of salt to be imported.

Name of ship to be painted on the stern in english and bengalese.

IV. The name of the ship shall be painted in english and bengalese, upon some conspicuous part of the stern, in letters not less than four inches in length; and to prevent mistakes, the name in bengal characters will be furnished on application at the salt office. Should the above injunction with regard to painting the name on the stern be neglected, or either the english or the bengal name be obliterated, concealed, or defaced, at the departure or return of the ship from or into this port, the owner shall be liable to the payment of a penalty of one hundred sicca rupees, one half to go to the informer, and the other half to the Company. The amount of the penalty, if not otherwise made good, shall be stopped from any money which is or may become due to the owner for salt, and the custom master shall refuse a port clearance until the penalty be paid, or security be given for the payment thereof.

Penalty for neglect in the above respect, and how to be levied.

Name of ship not to be changed without the permission of the Board of Trade.

Penalty.

V. The name of the ship shall not be changed at any time without the permission of the Board of Trade, and in case of any deviation from this rule, the owners of the ship shall be considered as having forfeited all claim to the privilege of importing salt.

Salt where to be delivered, at what price, and how to be paid for, and

VI. The salt shall be delivered on shore, at such place within the limits of the port of Calcutta as the Board of Trade, shall direct, at the rate of sicca rupees fifty seven for every hundred maunds, each maund to weigh forty seers, of eighty-two sicca weight to the seer; and shall be paid for at the salt office within ten days after the receipt of the Company's golah keeper for the salt, shall have been produced there. At the time of producing the receipt, the permit under which the salt may have been imported, shall be surrendered, in default of which, such payment shall not be made.

Permit to be surrendered previous to payment.

Salt to be of good merchantable quality, and rules in case of its being objected to.

VII. The salt shall be of a good merchantable quality, or should any objection be made to it in this respect, the quantity objected to, shall be separately sold at the first Company's salt sale which may take place after the delivery; and the owners of the ship shall make good to the Company the difference between the average selling price of the merchantable salt of the same description, and the average selling price of the salt objected to; and payment for the latter shall be delayed until the said difference can be ascertained.

Rules where the deliverers of the salt dispute the validity of objections to its quality.

VIII. If the deliverers of the said salt shall dispute the validity of the objection made thereto, the same shall be referred for determination to two or more persons, who usually make purchases at the Company's sales, or, if the Board of Trade shall deem it proper so to do, recourse shall be had to an analysis of small quantities, as samples, to be fairly taken from the mass; the analysis to be made by the Board of Trade, or such person as they may nominate.

The whole of the salt imported to be delivered to the Company, except five maunds under penalty of cofiscation, and the payment of ten rupees per maund.

IX. The whole of the salt which may be imported on the ship, shall be delivered to the Company, excepting a reserve not exceeding five maunds which may remain on board, provided that it be *bonâ fide* for the use of the mariners, whilst on board, and any salt exceeding the quantity so authorized to be reserved, which may be found on board, shall be confiscated, and the owners of the ship shall be further liable to the payment of a penalty on such excess, at the rate of ten sicca rupees per maund.

Company's officers to search the ship and be civilly treated.

X. When the ship is reported cleared, the Company's officers shall have the privilege of examining the ship, to ascertain whether there be any quantity of salt remaining on board exceeding that authorized to be reserved. The Company's officers shall have free access to every part of the ship, and be treated with attention and civility on board.

XI. The permit must be kept on board of the ship in the possession of the master, in order that it may be produced to the pilot, and the salt officers on the return of the ship to the river, as the authority for the salt being on board. In case of a ship returning without importing salt, the permit must be immediately surrendered at the salt office.

Permit to be kept on board by the master and to be surrendered when no salt is imported.

XII. If any circumstances should keep the ship out longer than the time specified in the permit, the Board of Trade, on application from the owners, and on their being satisfied as to the cause of her detention, will allow such extension of the period as may appear to them reasonable.

Extension of time specified in permits allowed in particular cases.

XIII. A fee of sixteen sicca rupees shall be paid at the salt office, on the issuing of each permit. The following shall be the form of the permit:

Fee on permits and form thereof.

FORM *of the* PERMIT.

"This is to certify, that the (description of the vessel) (name) of Calcutta, whereof (master's name) is at present master and (owner's name or owners' names) and place (or places of residence) is (or are) owner (or owners) built by (builder's name) at (place where) in the year (17) burthen (—) tons, now lying in the river Hooghly, bound on a voyage to (insert place or places) and expected to return within (—) months, has permission to import (—) maunds of salt to be delivered on shore upon account of the Honorable Company, at such golahs or places within the limits of the port of Calcutta, as the Board of Trade may appoint.

Name of vessel in bengalese.

This permission to be in force for the above specified voyage only, and for the space of ( ) months."

XIV. On the arrival of the ship in the river, the master shall deliver to the pilot in charge of the ship, a report addressed to the deputy secretary to the Board of Trade, containing the following particulars:

Report to be delivered to the pilot on arrival of a ship.

The quantity of salt on board of his ship.

At what place or places shipped, and the quantity shipped at each place.

The ship's draft of water.

XV. If there shall not be any salt on board, the master shall nevertheless deliver to the pilot, a report addressed as above directed, signifying that there is not any salt on board, and stating the ship's draft of water.

Report to be made also when no salt is imported.

XVI. The pilot shall forward the report to the salt office by the chokey boat, or, in case a chokey boat shall not reach the ship, he shall deliver it on the arrival of the ship at Calcutta to the master attendant, by whom it must be sent to the salt office. If the pilot shall neglect to transmit a report so delivered to him, he shall be liable to the payment of a fine of five sicca rupees for each instance of neglect, to be stopped by the marine paymaster from his pay; and in case of there being salt in the ship, he shall be entitled to a fee of five sicca rupees, payable from the salt office for forwarding the report. The pilot shall certify whether or not the ship's name be duly painted upon the stern.

Pilot to forward such reports to deputy secretary of the Board of Trade. Penalty for neglect.

Fee payable to pilot when there is salt on board.

Pilot to certify whether the ship's name be duly painted on the stern.

XVII. In the event of the master refusing or neglecting to deliver the required report, he shall be liable to a penalty of one hundred sicca rupees, and until the same shall be paid by the owners, the ship shall not be allowed a new port clearance.

Penalty for master's refusing or neglecting to report, and mode of enforcing payment.

XVIII. If the report shall signify that there is not any salt on board, and it shall appear afterwards, that there was salt on board, or if the report shall specify less than the quantity shipped, the salt so attempted to be concealed, shall be liable to confiscation, and the master or owners shall be liable to a penalty of ten sicca rupees per maund on any salt that may be confiscated, or that may be proved to the satisfaction of the Board of Trade and the Governor General in Council, or of the Governor General

Penalties for false reports, and,

Mode for enforcing payment.

neral in Council, to have been run or thrown over board, and until such penalty be recovered from the owners, the vessel shall not be allowed a port clearance for a future voyage.

Additional penalties on europeans concerned in the illicit importation of salt.

XIX. Any europeans proved to the satisfaction of the Governor General in Council to have been concerned in the illicit importation of salt, will, over and above the penalties already specified, be considered as having forfeited the Company's protection; and if residing in India with the Company's permission, as having broken their covenants with the Company, and liable to be sent to Europe as unlicensed traders.

This regulation to be considered to have been in force from the 14th July, 1795.

XX. The rules in this regulation are to be considered to have been in force from the 14th July last, when a notification to the same effect was published from the salt office, with the sanction of the Governor General in Council.

A. D. 1795. REGULATION LIII. (f)

A REGULATION *for putting a stop to the illicit trade in opium carried on in the province of Bengal, by means of the cloths and earthen vessels, termed cappah and dogah; and for preventing the poppy being cultivated in the said province without the knowledge of the contractor.*—PASSED *by the Governor General in Council, on the 28th August, 1795; corresponding with the 14th Bhadoon 1202 Bengal era; the 28th Bhadoon 1202 Fusly; the 14th Bhadoon 1202 Willaity; the 28th Bhadoon 1852 Sumbut; and the 12th Suffer 1210 Higeree.*

THE Governor General in Council having received information that an illicit trade in opium is carried on in the province of Bengal, by means of certain cloths and earthen vessels termed cappah and dogah, and that in the zillahs of Rungpoor, Dinagepoor, and Purneah, and other places in the said province, individuals frequently cultivate the poppy without the knowledge of the contractor, and clandestinely dispose of the opium produced therefrom; and these practices being equally injurious to the contractor and to the Company; the following rules for preventing the continuance of them have been enacted.

Cloths and vessels, termed cappah and dogah, to be delivered to the contractor, who is to pay the contract price for the opium which they may yield.

II. All the opium cloths known by the name of cappah, and the earthen vessels termed dogah, in which the crude opium collected from the poppy is deposited, and which, from their porousness, absorb a part of the opium, shall be delivered by the opium cultivators to the contractor, who shall pay to them for the quantity of opium which such cloths and vessels may yield, at the rates established for the crude opium by Regulation XXXII, 1793.

Rules respecting persons cultivating the poppy without taking advances from the contractor.

III. *First.* Persons who may choose to cultivate the poppy without taking advances from the contractor, shall notify to him or his agent, the quantity of land which they may propose so to cultivate, and shall obtain from him, or his agent, a writing acknowledging the receipt of such notification, and such persons shall deliver the opium produced from the lands cultivated by them to the contractor, at the fixed price received by the cultivators who may have taken advances.

Penalty for breach of the rule in the preceding clause.

Second. If any person shall cultivate the poppy without apprizing the contractor or his agent, and receiving from either of them, the writing prescribed in the prece-

(f) This Regulation though not expressly rescinded, is not in force. At the time it was passed, opium was provided by contract, but now by agency. See R. 13, of 1816, entitled, A Regulation for reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture and sale of opium.

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ding clause, the contractor or his agent, shall be at liberty to attach the crop of poppies so cultivated, and to collect the opium which they may produce, and the cultivator shall be liable to pay for the quantity of opium so collected, the same penalty to which he would have been subject, had the opium been seized in the attempt to make an illegal sale of it. The opium and the penalty, shall be appropriated in the same manner as opium seized by the contractor and confiscated under the regulations, and the penalty leviable on account of such opium.

Third. To prevent a retrospective operation of the rules contained in this section, persons who may have cultivated the poppy for the current year without the knowledge of the contractor or his agent, shall not be liable to the penalty specified in the preceding clause, provided they make the notification therein prescribed to the contractor or his agent, before the 20th of February next, corresponding with the 11th Phaugun 1202 Bengal era; the 27th Maug 1203 Fusly; the 11th Phaugun 1203 Willaity; the 27th Maug 1852 Sumbut; and the 10th Shabaun 1210 Higeree.

From what date the penalty prescribed in the preceding clause will be incurrible.

A. D. 1795. REGULATION LIV.

A REGULATION *for extending to the province of Benares, the rules contained in certain sections of Regulations* VIII, 1794, *and* XXXVI, 1795, *with modifications.*— PASSED *by the Governor General in Council, on the 1st September 1795; corresponding with the 18th Bhadoon 1202 Bengal era; the 2d Bhadoon 1202 Fusly; the 18th Bhadoon 1202 Willaity; the 2d Bhadoon 1852 Sumbut; the 16th Suffer 1210 Higeree.*

THE reasons assigned in Regulations VIII, 1794, and XXXVI, 1795, for extending and defining the powers given by section VI, Regulation XIII, 1793, to the registers of the zillah and city courts in the provinces of Bengal, Behar, and Orissa, to try and decide causes referred to them by the judges; and for empowering those courts in certain cases to refer rent and revenue accounts to the collectors for report; and for declaring the decisions passed by the registers to the said zillah and city courts, in all suits for real property, and in suits for money or personal property the amount or value of which may exceed twenty-five sicca rupees, appealable to the judges of those courts; and for making final the decrees passed by the judges in appeals from the decisions of their registers, in all suits for money or for personal property, and also in appeals from the decisions of the native commissioners; being equally applicable to the province of Benares, the following rules have been enacted, to be in force from the date of their receipt by the city and the zillah courts respectively.

II. *First.* The rules in section VI, Regulation XIII, 1793, are hereby declared to be rescinded in the province of Benares, from the date on which this regulation may be received by the city and zillah courts respectively in that province; (g) and from the same date, the rules contained in sections III, IV, V, VI, VIII, IX, X, XI, XII, and XIII, Regulation VIII, 1794, and sections III, IV, and VI, Regulation XXXVI, 1795, are hereby declared to be extended to the province of Benares, with the following modifications, applicable to that province.

Section VI, Regulation XIII, 1793, abolished in Benares.

Rules in certain sections of Regulations VIII, 1794, and XXXVI, 1795, extended to Benares, with

Second. Instead of the following clause in section IX, Regulation VIII, 1794, *or by the authorized vakeels of the court under Regulation* VII, 1793, the undermentioned

Modifications.

(g) S. 6. R. 13, of 1793, has been already rescinded by R. 8, of 1794, S. 2.

clause

clause is to be substituted; *or by the authorized vakeels of the court under Regulations* VII, 1793, *and* XIII, 1795. *(h)*

Third. In lieu of the following clause in section XI, Regulation VIII, 1794, *nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulation* XL, 1793, the undermentioned clause is to be substituted, *nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulations* XL, 1793, *and* XXXI, 1795. *(i)*

Fourth. Instead of the following clause in section IV, Regulation XXXVI, 1795, " *and also from the decisions of the native commissioners appointed to hear and determine* " *suits under Regulation* XL, 1793," the undermentioned clause is to be substituted for Benares; *and also from the decisions of the native commissioners appointed to hear and determine suits under Regulations* XL, 1793, *and* XXXI, 1795. *(j)*

A. D. 1795. REGULATION LV.

A REGULATION *for prohibiting the courts of civil judicature from requiring security from guardians of disqualified landholders when parties in suits with their wards, under section* XXXII, *Regulation* X, 1793.—PASSED *by the Governor General in Council, on the* 1st *September* 1795; *corresponding with the* 18*th Bhadoon* 1202 *Bengal era; the* 2*d Bhadoon* 1202 *Fusly; the* 18*th Bhadoon* 1202 *Willaity; the* 2*d Bhadoon* 1852 *Sumbut; and the* 16*th Suffer* 1210 *Higeree.*

DOUBTS having arisen whether guardians sued jointly with their wards, under clause first, section XXXII, Regulation X, 1793, are not liable under the regulations to give the same securities as are required from defendants in general; and it not having been intended by the rule contained in the abovementioned clause, that guardians should incur any personal responsibility on account of such suits, they being intrusted only with the care of the person, maintenance, and (if a minor,) the education of the ward; and the estate of the ward being answerable for all claims upon it; the Governor General in Council has been pleased to enact the following rule, which is to be considered in force from the date of its receipt in the several courts respectively.

Guardians when parties in civil suits with their wards, exempted from giving securities.

II. In cases in which a guardian may be a party jointly with his ward, under clause first, section XXXII, Regulation X, 1793, in any civil suit, the securities required by the regulations to be taken from parties in suits, shall not be demanded from the guardian.

(h) Both R. 7, of 1793, and R. 13, of 1795, have been rescinded by R. 27, of 1814, S. 2. The modification therefore should be, *or by the authorized vakeels of the court under R.* 27, *of* 1814.

(i) Both R. 40, of 1793, and R. 31, of 1795, have been rescinded by R. 23, of 1814, S. 2; the modification should therefore be, *nor to prevent them referring to the native commissioners such suits as are cognizable by them under R.* 23, *of* 1814.

(j) Both these Regulations have been rescinded by R. 23, of 1814, S. 2; the principle of the modification stated in the preceding note, applies also to the modification of this clause.

A. D. 1795. REGULATION LVI. (k)

A REGULATION *for allowing the heirs of invalids in the provinces of Bengal, Behar, and Orissa, to hold their land rent-free to the expiration of the tenth year from the date of the original grantee's being put in possession, in case of his dying within ten years from such date; and for providing for the absence of invalids from their tannahs in the said provinces at the time of inspection, in consequence of permission, or from sickness, or other unavoidable cause.*—PASSED *by the Governor General in Council, on the 1st September 1795, corresponding with the 18th Bhadoon 1202 Bengal era; the 2d Bhadoon 1202 Fusly; the 18th Bhadoon 1202 Willaity; the 2d Bhadoon 1852 Sumbut; and the 16th Suffer 1210 Higeree.*

BY clause seventh, section V, Regulation XLIII, 1793, it is directed to be made a stipulation in the leases which have been or may be obtained from any zemindars or other proprietors for lands to be allotted to the invalids under the conditions contained in that section, that if the original grantee shall die within seven years from the date of his being put in possession of his lands, his heirs shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands are to become subject to the conditions in clauses fifth and sixth, of the abovementioned section of the said regulation, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years; and by section VIII, of the same regulation, this rule is made applicable to cases in which the grants may form part of lands the property of government. It having been deemed proper however, in consideration of the peculiar disadvantages to which invalids must often be subject, in bringing their lands into cultivation, from want of skill, or from bodily infirmity, and the consequent necessity of employing persons to cultivate their lands at a heavy expense, to extend the period for which such lands are to be so held free of rent, to ten years, in order to ensure to the heirs of invalids the full benefit which it was intended they should derive from the grants; and it often occurring that invalids are absent from their tannahs at the period of inspection, by permission, or from sickness, or other unavoidable cause; and doubts having arisen whether invalids so circumstanced, are not subject to the operation of the rule in section XXX, Regulation XLIII, 1793, which directs that invalids not present at their respective tannahs at the periods of inspection and payment of the proportion of their pay which government may continue to them in addition to their provision in land, shall be struck of the establishment; the following rules have been enacted.

Heirs of invalids who die within ten years from the date of their grants to hold the lands free of rent to the expiration of the ten years from such date.

II. *First.* The rule in clause seventh, section V, Regulation XLIII, 1793, is hereby rescinded, and from the date of the receipt of this regulation in the several zillahs and cities, and in all cases in which any lands, whether the property of government, or of individual proprietors, may be assigned to invalids after such date, it shall be made a condition of the grant, that if the original grantee shall die within ten years from the date of his being put in possession of the lands, his heir shall continue to hold them rent-free, until the expiration of such period of ten years, from which time the lands are to become subject to the conditions specified in clauses fifth and sixth, section V, Regulation XLIII, 1793, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding ten years.

(k) The whole of this Regulation has been rescinded by R. I, of 1804, S. 2.

Second.

If the land be the property of an individual zemindar, and the lease shall have been obtained from him prior to the receipt of this regulation in the several zillahs and cities, government shall indemnify the proprietor for the loss he would sustain by the rule in the preceding clause.

Second. In cases in which an original grantee whose lands were obtained from a proprietor on lease during the time when clause seventh, section V, Regulation XLIII, 1793, was in force, shall die subsequent to the expiration of seven years from the date of his grant, and previous to the expiration of ten years from such date, government will indemnify the proprietor for the amount which he would have been entitled to receive if the said clause had remained in force. If the grant shall form a part of land the property of government, the Governor General in Council will relinquish to the heir the amount which would have been demandable from him under the said clause.

Government to remit their claim if proprietor of the land.

Invalids absent from their tannahs at the period of inspection, on leave, or from any unavoidable cause, not liable to be struck off from the establishment.

III. The clause in section XXX, Regulation XLIII, 1793, which declares that the invalids, who shall not be present at their respective tannahs at the periods of inspection and payment of the proportion of their pay which government may judge it proper to continue to them in addition to the provision in land, shall be struck off the establishment, is declared not to extend to those invalids who may be absent at such period with permission, or from sickness or other unavoidable cause, that may appear satisfactory to the regulating officer, or in his absence, to his assistant.

A. D. 1795. REGULATION LVII. (l)

A REGULATION *for enacting into a regulation, certain orders issued by the Governor General in Council, for the abolition of the collection heretofore made on grain imported into Calcutta, under the denomination of kyaulee dustoor, and for the appropriation of the proceeds of confiscated goods and merchandise at the Manjee custom house; and for levying the Calcutta export duties on the Calcutta price of the goods, instead of the aurung price or prime cost, as prescribed by section* XVII, *Regulation* XXXIX, 1795.—PASSED *by the Governor General in Council on the* 28*th September* 1795*; corresponding with the* 14*th Assin* 1202 *Bengal era; the* 29*th Bhadoon* 1202 *Fusly; the* 14*th Assin* 1203 *Willaity; the* 29*th Bhadoon* 1852 *Sumbut; and the* 14*th Rubbee ul Awul* 1210 *Higeree.*

ON the 21th October 1788, the Governor General in Council directed that the collection made by the custom master under the denomination of kyaulee dustoor on grain imported into Calcutta, should be suspended until the bazar price of that kind of rice which is usually consumed by the lower orders of the people, should fall to a certain price. On the 12th of September 1794, this species of rice had fallen to the limited price; but instead of reviving the collection, it was resolved to discontinue it altogether, including the collection on mustard seed, and teel seed, from the considerations that it fell chiefly on the lower orders of the people, and impeded the exportation of grain, to the prejudice of the agriculture of the country. For the final abolition of the above mentioned collection; and to extend to the officers of the Manjee custom house the same encouragement for the detection of illicit trade, as has been granted to the officers of the custom house at Calcutta; and to obviate the inconveniencies experienced at the Calcutta custom house in levying the export duties on the aurung, or prime cost of the goods, owing to the importers from the interior parts of the country seldom or ever showing their invoices to the purchasers of them for exportation, and the consequent difficulty of determining the amount on which the duty is leviable; the following rules have been enacted.

(l) The whole of this Regulation is rescinded by R. 9, of 1810, S. 2.

II.

II. The collection heretofore made by the custom master on grain inported into Calcutta, including mustard seed, and teel seed, under the denomination of kyaulee dustoor, is declared to be finally abolished.

Kyaulee dustoor finally abolished.

III. In the event of goods or merchandise seized by the officers of the customs at Manjee, being conficated, the proceeds shall be divided as follows:

Appropriation of the proceeds of confiscated goods at the Manjee custom house.

One-fifth to the collector of the customs.

Two-fifths to the informer or seizer.

Two-fifths to the Company.

IV. From the 6th of October next, the duty on exports from Calcutta, will be calculated on the Calcutta price of the goods, deducting one tenth, instead of the aurung or prime cost, as prescribed by section XVII, Regulation XXXIX, 1795.

Calcutta export duties to be levied on the Calcutta price of the goods deducting one tenth.

A. D. 1795. REGULATION LVIII.

A REGULATION *for granting to the collectors a commission on the jumma of lands which may be subjected to the payment of revenue under section* XXVI, *Regulation* XIX, *and section* XXI, *Regulation* XXXVII, 1793, *and section* XXVI, *Regulation* XLI, *and section* XXI, *Regulation* XLII, 1795; *and for determining on what amount such commission, and the commission granted to collectors in cases of lands being adjudged liable to the payment of revenue in consequence of prosecutions, shall be calculated; and for requiring the zillah and city courts in the four provinces, to transmit to the collectors and the Board of Revenue, copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of revenue; and for defining of what decrees regarding malguzarry land, the zillah and city courts are to furnish the collectors and the Board of Revenue with copies under section* IX, *Regulation* IV, 1793, *and section* IV, *Regulation* VIII, 1795.—PASSED *by the Governor General in Council, on the 28th September* 1795; *corresponding with the 14th Assin* 1202 *Bengal era; the 29th Bhadoon* 1202 *Fusly; the 14th Assin* 1203 *Willaity; the 29th Bhadoon* 1852 *Sumbut; and the 14th Rubbee ul Awul* 1210 *Higeree.*

IT being deemed equitable that the collectors should be permitted to draw the same commission on the jumma of lands subjected to the payment of revenue in consequence of their not being registered, agreeably to Regulations XIX and XXXVII, 1793, and XLI and XLII, 1795, as they are allowed on the jumma of lands adjudged liable to the payment of revenue in consequence of prosecutions on the part of government; and to determine on what amount such commission may be granted in the event of a settlement of the resumed lands not being immediately concluded in perpetuity; and to provide for the regular transmission to the collectors, and to the Board of Revenue, of copies of all decrees passed in suits between individuals, affecting the right in, or possession of, landed property exempted from the payment of revenue to government; that the alterations in such right or possession made by the said decrees, may be duly entered in the quinquennial registers; and doubts having arisen as to the description of decrees regarding or concerning land subject to the payment of revenue, of which copies are to be transmitted by the judges of the zillah and city courts to the collectors and the Board of Revenue; the Governor General in Council has enacted the following rules.

II.

Collectors to receive a commission of twenty five per cent on lands resumed under section XXVI, Regulation XIX, or section XXI, Regulation XXXVII, 1793, or section XXVI, Regulation XLI, or section XXI, Regulation XLII, 1795. What collectors are to be considered entitled to the commission.

II. The collectors shall receive a commission of twenty-five per cent on the amount of the annual jumma, which may be assessed in perpetuity, on lands finally resumed and declared liable to be assessed with public revenue, under section XXVI, Regulation XIX, 1793, or section XXI, Regulation XXXVII, 1793, or section XXVI, Regulation XLI, or section XXI, Regulation XLII, 1795. The commission shall be paid to the collector who shall discover and report to the Board of Revenue *(m)* the omission of the registry of the lands, unless the Governor General in Council should deem it equitable in any particular case, to give the whole or a part of the commission to any other collector. If circumstances should prevent the forming of a permanent settlement of such lands, or of lands on which the collectors may be entitled to a commission under section XIII, Regulation XIX, and section VIII, Regulation XXXVII, 1793, and section XIII, Regulation XLI, and section VIII, Regulation XLII, 1795, it shall be at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable jumma for such lands.

How the commission of the collector shall be estimated in case of exempted lands becoming subject to the payment of revenue, and a permanent settlement not being immediately made.

Zillah and city courts to furnish copies of certain decrees by which the right to, or the property in, any lands exempted from the payment of public revenue may be altered.

III. The judges of the zillah and city courts in the four provinces, shall furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals, which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the collectors may be enabled to make the necessary entries of the alterations in such right or possession, to be inserted in the quinquennial registers of lands held exempt from the payment of revenue, directed to be kept by Regulations XIX and XXXVII, 1793, and XLI and XLII, 1795. The copies of such decrees shall be transmitted by the judge within twenty days after the same may be passed or received by him.

What decrees copies are to be transmitted to the collectors and the Board of Revenue under section IX, Regulation IV, 1793, and section IV, Regulation VIII, 1795.

IV. The decrees regarding malguzarry land which the judges of the zillah and city courts in the four provinces are directed by section IX, Regulation IV, 1793, and section IV, Regulation VIII, 1795, to transmit to the collector of the zillah, and to the Board of Revenue, are hereby declared to be such decrees only as affect the proprietary right in, or possession of, the land.

(m) A Commissioner is appointed by R. 1, of 1816, instead of the Board of Revenue, for the superintendence of the revenues of the province of Benares, and that part of the province of Behar which is comprized in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their several public duties: the Commissioner therefore is to be understood wherever the Board may be named or intended in this Regulation, with reference to Benares and the part of Behar above mentioned.

REGULATION LIX.

A. D. 1795. REGULATION LIX.

A REGULATION *for further postponing to the 10th April 1795, the operation of such parts of sections* XVIII, XIX, XX, *and* XXIII, *Regulation* XXXV, 1793, *as regard the silver coin.*—PASSED *by the Governor General in Council, on the 29th September*, 1795*; corresponding with the* 15*th Assin* 1202 *Bengal era; the* 1*st Assin* 1203 *Fusly; the* 15*th Assin* 1203 *Willaity; the* 1*st Assin* 1852 *Sumbut; and the* 15*th Rubbee-ul-Awul* 1210 *Higeree.*

THE reasons assigned in the preamble to Regulation VI, 1794, for suspending certain rules in Regulation XXXV, 1793, until the 10th April 1795, continuing to operate, and consequently rendering it necessary that the enforcement of those rules should be further postponed; the Governor General in Council has enacted as follows.

Operation of the rules in Regulation XXXV, 1793, herein specified, postponed to the 10th April 1796.

II. Such parts of sections XVIII, XIX, XX, *(n)* and XXIII, Regulation XXXV, 1793, as regard the silver coin in the provinces of Bengal, Behar, and Orissa, shall not have effect until the 10th of April 1796, corresponding with the 31st Chyte 1202 Bengal era; the 18th Chyte 1203 Fusly; the 31st Chyte 1203 Willaity; the 18th Chyte 1853 Sumbut; and the 1st Showal 1210 Higeree; after which period, all the rules contained in those sections are to be considered in full force. *(o)* Until the arrival of that period, rupees of sorts shall be received at the public treasuries in those provinces, and shall be current therein, under the rules that were in force regarding them previous to the 10th April 1794; but the rupees which may be so received, are not on any account to be disbursed from the said treasuries, but are to be sent to the mint to be recoined into siccas of the nineteenth sun, as prescribed in section XVII, Regulation XXXV, 1793. *(p)*

(*n*) This section has been rescinded by R. 13, of 1807, S. 2, and sections 4, 5, 6, 7 and 8 of that Regulation have been enacted in its stead.

(*o*) Excepting the rule in S. 20, R. 35, of 1793, which has been rescinded by R. 13, of 1807, S. 2. See the preceding note.

(*p*) In the zillah of Cuttack, and the purgunnahs of Puttespore, Kummardichour and Bograe, the currency of rupees of sorts was allowed until the expiration of the Willaity year 1215, and bonds, engagements, and agreements, written or verbal, stipulating for the payment of money in any other species of rupees or goldmohurs than the sicca rupees or goldmohurs of the nineteenth sun, were deemed valid until the promulgation of R. 13, of 1807. See R. 4, S. 9 and 10, and R. 13, S. 7, of 1807.

REGULATION LX.

A. D. 1795. REGULATION LX. (q)

A REGULATION *for extending to the province of Benares, Regulation XXXVIII, 1795, entitled,* A Regulation for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil judicature; and on petitions presented to those courts; and on the institution of suits before the moonsifs under clause sixth, section V, Regulation XL, 1793.—PASSED *by the Governor General in Council, on the 13th November* 1795; *corresponding with the 30th Kautick* 1202 *Bengal era; the 17th Kautick* 1203 *Fusly; the 30th Kautick* 1203 *Willaity; the 17th Kautick* 1853 *Sumbut; and the 30th Rubbee-us-Sanee* 1210 *Higeree.*

THE reasons assigned in the preamble to Regulation XXXVIII, 1795, for prescribing the payment of certain fees on the institution and trial of suits in the courts of civil judicature in the provinces of Bengal, Behar, and Orissa, and on petitions presented to those courts, and on the institution of suits before the moonsifs under clause sixth, section V, Regulation XL, 1793, being with little exception applicable to the province of Benares, the following rules have been enacted.

Regulation XXXVIII, 1795, extended to the province of Benares.

II. The rules contained in Regulation XXXVIII, 1795, are hereby extended to the province of Benares.

A. D. 1795. REGULATION LXI.

A REGULATION *for determining what sicca rupees of the nineteenth sun shall be considered as of standard weight in payments in the provinces of Bengal, Behar, and Orissa.*—PASSED *by the Governor General in Council on the 13th November* 1795; *corresponding with the 30th Kautick* 1202 *Bengal era; the 17th Kautick* 1203 *Fusly; the 30th Kautick* 1203 *Willaity; the 17th Kautick* 1853 *Sumbut; and the 30th Rubbee-us-Sanee* 1210 *Higeree.*

AGREEABLY to the ancient usage of the country, all payments in silver are made by weight. This usage was established to keep up the circulating coin to its full standard weight, by obliging the holders of light coin to carry it to the mint for recoinage; and as the demand of government on the proprietors of estates with whom a settlement has been made, is fixed in perpetuity at a specific amount in money; it is essential to the interests of the state, that this, as well as all other rules calculated to prevent the circulation of light coin, should be adhered to as strictly as may be possible. A practice however obtained under the native administration, and which continued to prevail under the british government, of receiving light rupees in payment of private, and not unfrequently of public demands, with an allowance or batta adequate to the deficiency; individuals often finding it more convenient or advantageous to make good this deficiency, than to send their light coin to the mint, or to dispose of it to a shroff for coin of full weight. By the abuse of this practice, in progress of time the circulation became filled with coin rendered deficient in its weight by wear,

(q) Regulation 38, of 1795, which this Regulation extends to the province of Benares, being rescinded, this Regulation of course stands rescinded also.

or artificial means. The landholders and farmers of the revenue, availed themselves of this defective state of the currency to exact large sums from their ryots and [illegible] nants, on account of the deficiency in its weight, urging that similar demands would be made on them when they tendered it in discharge of their revenue; and the [illegible] levied similar impositions in private transactions. To obviate these and other [illegible], it was determined by Regulation XXXV, 1793, that after a certain period, [illegible] should be considered as a legal tender of payment excepting the rupees of the nineteenth sun of the weight and standard specified in that regulation. In weighing however the rupees received into the treasuries, against standard weights, with a view to a strict adherence to the letter of the regulation, instead of a specific number of the newest coin procurable, as had been generally the practice, it was found that the nineteenth sun sicca rupees, almost immediately after their introduction into circulation, were generally from two to four annas per cent deficient in weight; and on inquiry, it was ascertained that from the number of points in the inscription, and the fineness of the silver, this deficiency invariably arose on the first introduction of new coin into circulation, although it would circulate several years without suffering any further considerable diminution in its weight. In order therefore to preserve the salutary custom of receiving the coin by weight, and at the same time to obviate the loss and inconvenience that would have resulted both to the publick and individuals by rejecting the new coin in payment on account of the smallest deficiency in weight, and consequently compelling the holders to return it to the mint almost immediately after its being issued from thence, certain orders were issued and communicated to the Board of Revenue and to the collectors on the 2d October 1795. These orders, with modifications, are now enacted into a regulation, which is to be in force from the date of its receipt in the several zillah and city courts in the provinces of Bengal, Behar, and Orissa.

Sicca r[illegible] the nineteenth [illegible] which may not have lost by wear more than six annas per cent to be received as of full weight.

II. All sicca rupees of the nineteenth sun, which shall not have lost by wear a greater proportion of their full standard weight than six annas per cent, or six sixteenths of a rupee in one hundred rupees; shall be considered as of standard weight, and be received as such in all public and private transactions.

The above rule applicable only to loss of weight by wear.

Rule in case of loss of weight by artificial means.

III. The above rule however is to be considered applicable to those nineteenth sun rupees only, in which the loss of weight has been occasioned by wear. Whenever rupees of the above description may have lost any part of their full weight, although such loss shall not exceed six annas per cent, by filing, clipping, or other artificial means, they shall not be considered as of standard weight, and, if tendered in payment at any of the public treasuries, or offices, they shall be received at their intrinsic value as hereafter directed, and the poddars, or examiners of the public money, are required to separate all such rupees.

And in cases where the loss of weight by wear shall exceed six annas per cent.

IV. *First.* Rupees of the nineteenth sun deficient in weight from any other cause excepting wear, or deficient in weight from wear in a greater amount than six annas per cent, are to be received agreeably to the following rule.

How su[illegible] shall be received.

Not to be disbursed [illegible].

Second. For one hundred sicca weight of such light nineteenth sun sicca rupees, the payer is to receive credit for one hundred nineteenth sun sicca rupees. The light rupees thus received at the public treasuries, are not to be disbursed again, but are invariably to be sent to the mint to be recoined.

Mint master to furnish standard weights.

V. The mint master at Calcutta is required to furnish the Board of Revenue for the use of the collectors, with stampt metal weights of fifty sicca weight each, or such other weight as may be required by them, and all receipts and payments at the public treasuries are to be regulated agreeably to such standard weights.

Rule to apply to quarters and halves of rupees.

VI. The foregoing rules are to be considered equally applicable to the halves and quarters of the nineteenth sun sicca rupee.

REGULATION LXII.

A. D. 1795. REGULATION LXII.

A REGULATION *for withdrawing the mint* [illegible] *at Moorshedabad under Regulation* XXXV, 1793.—Passed *by the Governor General in Council on the* 11th [illegible] 1795 ; *corresponding with the* 28th *Aughun* 1202 *Bengal era ; the* 15th *Au*[illegible] 1203 *Fusly ; the* 28th *Aughun* 1203 *Willaity ; the* 15th *Aughun* [illegible] *Sumbut ; and the* 28th *Jumadul ul Awul* 1210 *Higeree.*

THE continuance of the mint established at Moorshedabad being deemed unnecessary, in consequence of the inconsiderable quantity of coin and bullion brought to it for coinage, the Governor General in Council has enacted as follows.

Moorshedabad mint withdrawn.

II. The mint established at Moorshedabad, under Regulation XXXV, 1793, is hereby directed to be withdrawn.

FINIS.